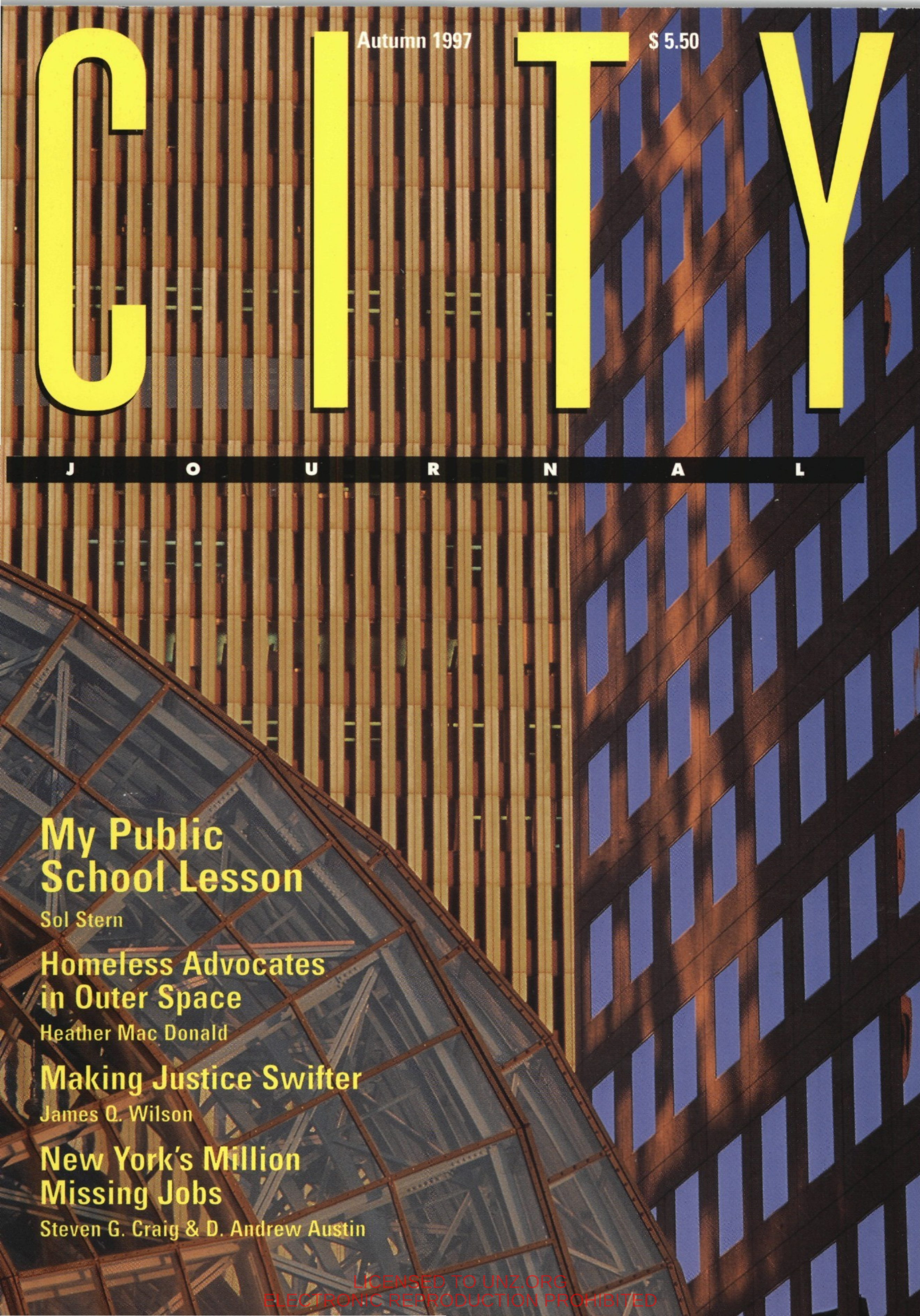

Autumn 1997

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CITY JOURNAL

My Public School Lesson

Sol Stern

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Heather Mac Donald

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James Q. Wilson

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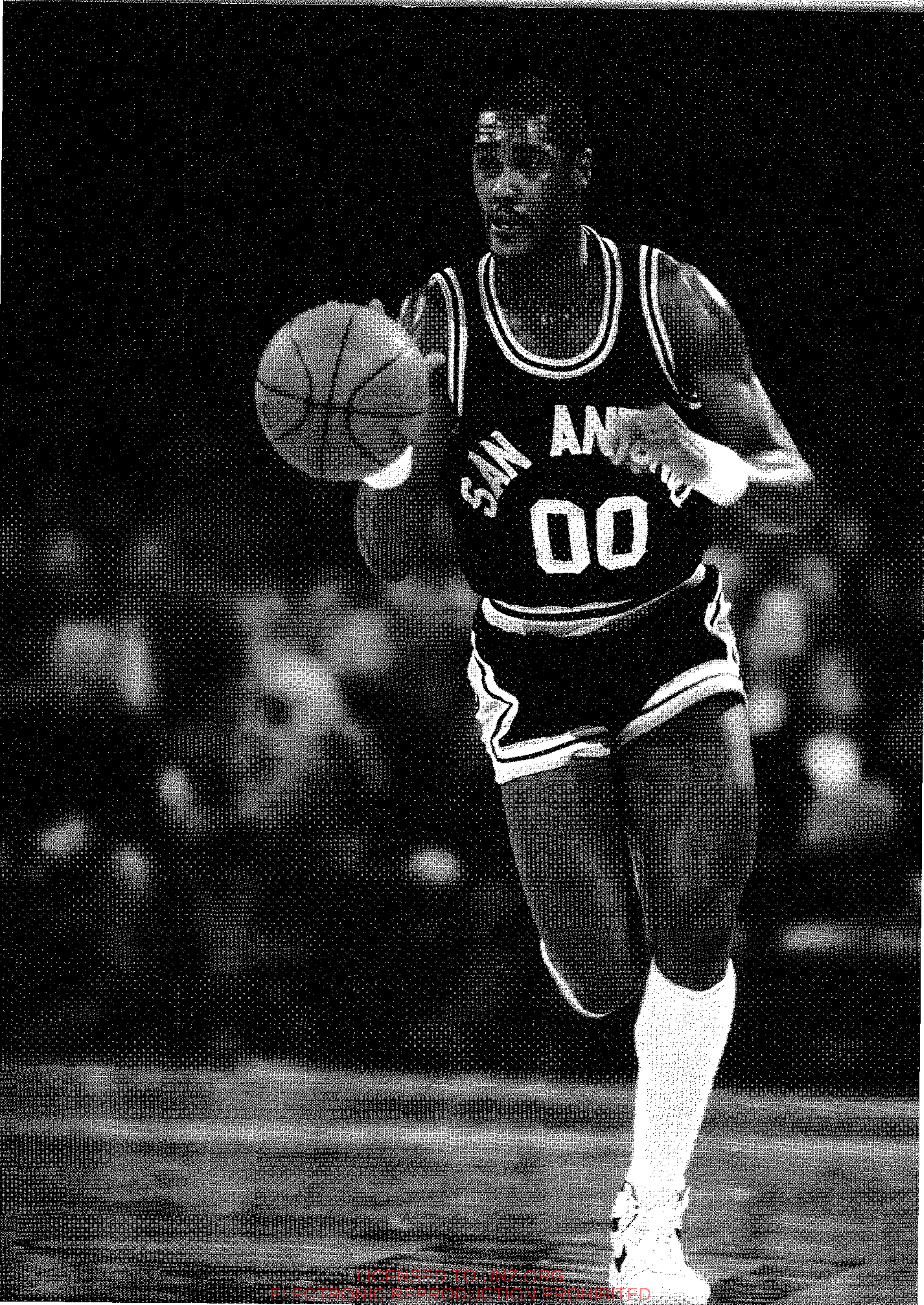
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"I was thinking, 'If I can just get to the game, I'll be all right.'"

JOHNNY MOORE
SAN ANTONIO, TEXAS

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CITY
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After the Uprising

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In Prospect

Not long ago, New York's Mayor Giuliani announced that the city would be contracting out the management of Central Park to a private group, the Central Park Conservancy—a move that, as press reports pointed out, Conservancy trustee Richard Gilder had originally suggested in a *City Journal* article ("Set the Parks Free," Winter 1997). We are always gratified when we can have a concrete effect on policy, as we have had in the past, when Sol Stern's widely publicized article on Catholic schools (Summer 1996) impelled the mayor to give his vital support to a private school voucher plan now underway in New York, for example, or when Peter Reinharz's highly critical article about the New York State Court of Appeals (Winter 1996) encouraged Governor Pataki to lock horns with the state's highest judicial tribunal, or when Heather Mac Donald's devastating report on the state of the City University began the process, as the papers have pointed out, that has led to current moves to restructure CUNY (Summer 1994). We were pleased, too, to read in the local paper recently that *City Journal* has helped change significantly the overall political climate of New York.

We think we've been able to achieve such practical, real-world results because of *City Journal*'s devotion to the concrete. Sure, we have theories—at least as many of them as any other magazine—and we regularly print articles on everything from modern theories of child rearing to the legal theories taught in today's law schools. But our constant reference point, whether implicitly or explicitly, is concrete reality. Given the prevailing tenor of modern journalism, perhaps it's necessary to say what used to be taken for granted: that we constantly strive to adjust theory to fit the facts rather than trying to contort facts to fit a theory, like stepsisters struggling to win the glass slipper.

Four stories in this issue exemplify different aspects of our allegiance to the down-to-earth. At one end of the spectrum is Steven G. Craig and D. Andrew Austin's "New York's Million Missing Jobs" on page 43. Critics have charged that New York's high taxes and bloated public-sector spending harm the city's economy. Craig and Austin provide the actual statistics, not easy to compile, that show just how overtaxed city residents and businesses really are in comparison with other locales, and just how much damage job creation in the city has suffered as a result.

James Q. Wilson's "Making Justice Swifter" on page 30 sets forth six practical schemes, some of them already experience-tested, for making the punishment of crime speedy enough to have a chance of changing behavior rather than just getting confirmed malefactors off the streets after a long delay. The programs are concrete enough for any jurisdiction to use as a blueprint for policy; but of course it takes authorial originality and wisdom to see how all these policies relate to each other, why they work, and why they might save a significant number of not-yet-hardened young people from a life of wrongdoing.

In "My Public School Lesson" (page 14), Sol Stern describes how, when he enrolled his two sons in New York's much-praised P.S. 87, he was a convinced believer in public education. But the reality he found persuaded him that public schools were a long way from being the crucibles of democratic equality he expected: actual experience changed his deeply-held and much-cherished theoretical framework radically. But this is not unusual for *City Journal* contributing editors, many of whom have ended up far away politically from where they started off, thanks to attentive observation of the world as it really is—a process that guards against glibness. How far have they traveled? As one editor exclaimed in amazement to another at one of our meetings: "Oh! Were *you* at Altamont *too*?"

Finally, Heather Mac Donald, in her witty "Homeless Advocates in Outer Space" on page 36, takes us to a recent meeting at which self-appointed spokesmen for the homeless tried to deal with overwhelming proof that their nostrums did not work in the real world. It is an instructive study of what happens when implacable theory meets concrete fact. •

Soundings

Diversity's Limits

"The university would be in chaos," warned Ivan Marcus, a Yale history professor, "if it bent over backward to accommodate everyone's sensitivities." *The New Yorker*'s David Denby quite agrees: colleges cannot "continue to humor every group's sensitivities." Are they referring, perhaps, to the antics of Yale's Bisexual/Gay/Lesbian/Transgender Cooperative? Making a case for defunding its African-American cultural studies house or its Latina/Latino cultural center? No, this September's crackdown on diversity came on the heads of five Orthodox Jewish students who had asked to be excused from Yale's requirement that they live in coed dorms—which they said offended their religious beliefs. As everyone by now knows, the administration denied the request. Diversity, it seems, ends where traditional morality begins.

The fine print on our obsession with diversity, we are learning, reads: *only superficial differences allowed*. Diversity of skin color, for instance, is big, while real diversity, competing claims to truth—such as what we should believe, how we should live, the kind of diversity the university used to be about—now no longer has a place at the table. We can only "celebrate differences" when we are all, finally, the same—if we all inhabit a safe realm of accepted premises and do not want to "impose" anything outside that realm on anyone else.

One widespread response to the "Yale Five" has been, if they aren't happy, why don't they just go to some other college?

The point, which this response misses, is that there no longer is any "other college." All universities have effectively abandoned *in loco parentis*, and even when administrations can point to a single-sex floor or two in the dorms, they happily fail to enforce this single-sex rule; everyone can come and go—indeed, is *supposed* to come and go—into everyone's room and bathroom, toting university-distributed condoms. If you don't participate, you're a weirdo. You're a "sexile," as the *Yale Daily News*'s "Yale lexicon" has it: someone who is "banished from your dorm room because your roommate is having more fun than you."

Yale's official response to these five students speaks volumes. In a September 11 letter to the *New York Times*, Richard H. Brodhead, the dean of Yale College, observes that "Yale College has its own rules and requirements, which we insist on because they embody our values and beliefs." Do they ever! Thirty or so years ago, when colleges abandoned *in loco parentis*, they claimed that they were just being "neutral": they would let the students decide for themselves what their sexual morality would be. No more, as Dean Brodhead's remarks show. Yale's requirement that the sexes live together, he wrote, "embodies our belief that what students gain by living together is an essential aspect of their education. When students enter this community, their daily interaction becomes a continual scene of teaching and learning: a place to understand creeds and cultures different from one's own . . . and to learn to work with others across lines of difference. To allow students to separate themselves from the full collegiate community would be to impoverish this aspect of the Yale education." In such elevated rhetoric, it's easy to forget that the common "values and beliefs" students are not supposed to "impoverish" add up merely to a belief in promiscuity. Having abandoned Plato and Aristotle, at least we have *one* eternal verity.

At the end of a September 6 *New York Times* report on the "open living arrangements that have been the vogue on campuses for years," we learn that there are actually some students who aren't Orthodox Jews who also aren't happy with today's dormitory arrangements. As the story's final paragraph whispers: "But some quietly confessed that the permissiveness of residence life sometimes made them uncomfortable."

Chris Thacker, a non-Jewish senior at Yale, explains the living situation to me: "Freshman year it's all mixed. Sophomore year you might get lucky and have a single-sex floor, but it's never enforced or anything. You really don't have a choice. It's usually mixed floors, mixed bathrooms. I'm a senior and I have my own room, but I have to share a bathroom with three women. I'll be in there brushing my teeth, and then you know . . . they'll come in and it's, well, it's kind of weird."

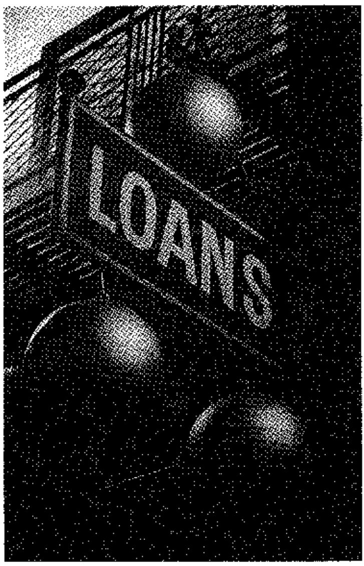
At one point not so long ago, universities used to be on the side of those who wanted to study, and defended them against the pressures of sex. If students did have sex, it had to be furtive. Now when your roommate is having sex, *you* are the one expected to sneak around, *you* are the exile (or "sexile"), *you* are the one who should be ashamed of yourself for not being sufficiently libertine. You are the one who must "quietly confess" your taste for sexual modesty, as if admitting a perversion.

And here Allan Bloom *et alia* were so worried about relativism, when it turns out the left had its canon all along: it's just one of polymorphous perversity. — *Wendy Shalit*

Gee, Parents Count

What do children need most? The conclusions of two recent studies might appear to be the sort your grandmother could have told you—but that's why they are important. They represent another significant retreat from decades of expert evasions about the importance of family for the well-being of children. The conclusion of the recently released National Longitudinal Study of Adolescent Health, a survey of 12,118 adolescents in grades seven through 12, is that teenagers need strong families and schools that engage their interest. Teens who see their parents at key times during the day, who share activities with them, and who feel involved in the life of their schools are less likely to engage in early sex, abuse alcohol and drugs, smoke, commit suicide, or be violent.

These unexceptionable results, appearing in the current *Journal of the American Medical Association*, offer a useful corrective to the too-common assumption that parents might as well give up once their kids become teenagers and take up with that notoriously all-powerful peer group. But if the conclusions of the government-funded Add Health (as the study is known) are clearheaded, its language reminds us of how we lost touch with common sense in the first place. Its pseudo-medical jargon—a classic example of the experts' tendency to transform moral issues into technical problems beyond the reach of ordinary people—is likely to be satisfying mostly to bureaucrats who view drug use, violence, suicide attempts, and early sex as "negative health outcomes."



HARVEY WANG (4)

Even with all its arcane number crunching, the second study, the recently released *What Money Can't Buy* (Harvard University Press), dispels the fog of expert cant more thoroughly. The author, University of Chicago professor Susan E. Mayer, addresses the fundamental question at the heart of the debate about child poverty: are the high rates of school dropout, low employability, and teen parenthood among the poor the result of simply growing up without enough money or of other, less tangible factors? After reviewing a myriad of studies and recalculating much longitudinal data, Mayer attempts to tease out what she calls "the 'true' effect of income"—that is, "what would happen if we increased income and changed nothing else?"

Her conclusion? By itself, more money would not make much difference to poor kids. Once the basics like health, food, and shelter are taken care of—as they are for most poor kids in America today—it is the character of a child's parents that predicts his future. Even if we doubled the income of the poorest fifth of Americans, she finds, teen childbearing would fall only from 20 to 18 percent, the rate of high school dropout would drop from 17.3 to 16.1 percent, single motherhood would remain the same, and male idleness would actually increase. Mayer concludes that what has been seen as low income is really a proxy for the values and habits that make it difficult for someone to maintain a stable, decent-paying job. "Characteristics valued by employers, such as social adjustment, skills, enthusiasm, dependability, and hard work" lead to economic success. These "same characteristics," she concludes, "are valuable to children."

What Money Can't Buy is particularly convincing because Mayer, a self-described liberal on these issues and herself a onetime financially struggling single mother, at first resisted her findings and took for granted the notions that her study disproves: that the stress of poverty and its resulting low self-esteem make it impossible for the poor to be good parents, that the poor make bad parental role models because they have no choice but to adopt the dysfunctional behavior of the street; that if they only had more money, they'd assure their children a brighter future.

These two studies do a great service by reminding us of simple basic truths. How to apply them, however, remains a mystery. — *Kay S. Hymowitz*

Lawyers We Like

The prosecutors of Portland, Oregon, have come up with a new way to fight crime that the Department of Justice hails as an outstanding success. Their secret weapon: a new kind of lawman, called a neighborhood district attorney, or NDA. Stepping beyond the traditional prosecutor's role of merely processing defendants that the police arrest and bring to court, these D.A.s work actively with citizens and police first to identify what crime problems most afflict a given neighborhood and then to solve them.

The program began in Portland's inner-city Lloyd District in 1990. Sick of crime, business leaders and citizens gathered to demand that prosecutors go after very specific problems—not the most serious crimes, but the most highly visible ones, such as prostitution, drug use, littering, car theft, and vandalism. So the district attorney's office appointed its first NDAs, who successfully coordinated law-enforcement efforts to control the low-level disorder that often leads to more serious crimes.

For instance, when police were unable to control drug dealing in several of the Lloyd District's low-income neighborhoods, NDAs rounded up "citizen-informants"—residents who were told what to look for, what kind of evidence police needed to make a bust, and what prosecutors needed to get a conviction. Residents then watched, kept logs of traffic into houses suspected of drug activity, and contacted officers with their information. (Police later did random checks of citizen procedures and accuracy.)

So what happened? The mean streets of the Lloyd District are clean now. And community-oriented special prosecutors have spread to Portland's North and Northeast neighborhoods and helped stop gang- and crack-related crime problems. Manhattan, Boston, and Indianapolis have now adopted the strategy, too. And in Portland, some NDAs are moving beyond quality-of-life crimes to fight against violent crime.

The symbolism of NDAs is important. They remind citizens, cops, and City Hall that, in a free society, they're allies in the fight for safe neighborhoods. — *Matthew Robinson*

Nonsense in Any Language

Over 1.3 million California schoolchildren from immigrant backgrounds, nearly a quarter of the state's entire public school enrollment, don't know English. You'd think the solution would be obvious: let the schools teach it to them. But for the past quarter-century, California schools have been locked into a bizarre official policy of "bilingual education" that requires many of these young schoolchildren to receive nearly all their instruction in their native language (usually Spanish).

As a result, each year only 5 or 6 percent of these children learn enough English to be considered proficient. And although the California state law requiring "bilingual education" actually expired some ten years ago, this unpopular but deeply entrenched official policy has continued by default.

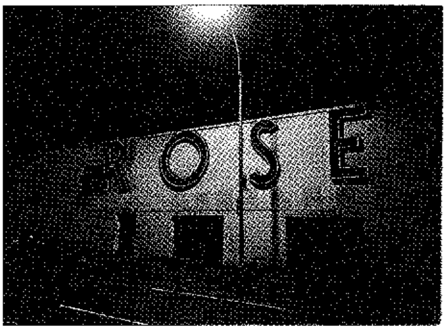
Why? The teachers and administrators who receive the more than $320 million per year poured into California's bilingual education programs lobby hard to keep their funding. By contrast, even though public opinion polls have consistently shown that Hispanic parents oppose this system by over 80 percent, most immigrant parents don't carry much political weight, because they don't vote.

But this year I began a campaign for a ballot initiative that would require that children be taught English as soon as they begin school. It's already collected more than half of the signatures needed to put in on next June's ballot, and most observers expect it to have no trouble gathering the remainder.

Reassured by the strong pro-immigrant credentials of the campaign leadership, many Democrats have given our measure enthusiastic support. The only public opposition to the measure has come from trade associations of bilingual educators, a few left-wing Hispanic groups such as MALDEF and MECHA, and some state Republican Party leaders who have denounced the initiative as "divisive" in a frantic and misguided effort to win back immigrant voters driven away by the Golden State G.O.P.'s anti-immigration stand.

But bilingual education will probably be gone within eight months, and good riddance. Fernando Vega, a local leader of the 1992 Clinton-Gore Latino campaign who pushed for bilingual education in California in the early seventies but has now changed his mind, puts it best: "It's an affront to tell us our children can't learn English."

— *Ron K. Unz*



Open the Bidding

Some 360 years ago, a Dutch governor bought a 174-acre parcel from the Canarsie Indians for two ax heads, some nails, and a string of beads. Now the land, called Governors Island, is a vacant military base—the Coast Guard pulled up anchor in July—and Washington wants to unload it on New York City for the symbolic sum of one dollar.

Senator Daniel P. Moynihan won the concession from President Clinton in October 1995, and New York has until 2002 to make up its mind. If it says no, Congress will then auction off the land.

The prospect of getting a wide-open tract of land minutes from Manhattan has lots of people drooling. The island is beautiful, a quiet sanctuary of oak trees and open fields with wraparound views of the harbor, the financial district, and Brooklyn's promenade. It is dotted with the colonial and mid-nineteenth-century houses that used to quarter military officers.

Planners are blanketing the island with their ideas, from a homeless shelter to a casino. An influential study by the Regional Plan Association proposes preserving the island as a public trust. The RPA, like many groups, vigorously opposes any new development on the island—in other words, any use for the land it would approve would take money straight out of taxpayers' pockets. The RPA's own plan includes public marinas, bed-and-breakfasts in the brownstones, and homes for artists.

Most of these ideas don't have a prayer of even starting to recoup the island's overhead costs; ferry service (there is no bridge) and maintenance for the land cost roughly $30 million a year. Though Moynihan and community group leaders talk disparagingly of selling Governors Island to the highest bidder for private development, the alternative to making it a "playground for the rich" (in the words of this faction) may be keeping it as a money trap for middle-class taxpayers.

The crucial point that policy makers should remember is that the northern half of the island, where most of the old buildings and picturesque paths are, is already a National Historic Landmark district. This bucolic landscape can't be developed. Since the northern half is already a public preserve, why shouldn't the city ask the feds to auction the rest off to developers and require them, as part of the deal, to refurbish and maintain the park? We'd probably end up with a mix of golf courses and private marinas attractive to nearby Wall Streeters, high-rise housing like Battery Park City, as well as the parks that would make it perfect for day-trippers. Such uses could call into existence private, for-profit ferry service as well.

In other words, this time we really could have it all.
— *E. V. Kontorovich*

Set Charity Free

Congress's recent welfare reform is a big step forward. For many, ending dependency will take the efforts of private charities, too. Accordingly, we need to foster those community organizations that help individuals obtain not just the goods they need to survive but the habits of self-help and responsibility that they also need to live productive and meaningful lives. There is no shortage of people and projects working to make this happen. In San Antonio, Pastor Freddie Garcia runs Victory Fellowship, a faith-based drug rehabilitation program that offers addicts not only a chance to recover but a safe haven to receive job training and learn how to provide for themselves. While government programs generally have success rates in the single digits, Garcia's success rate is over 80 percent. In South Bend, Indiana, Lou Nani and the Center for the Homeless provide daily support for needy people, rescuing thousands from homelessness, unemployment, and addiction.

We must make it easier for these voluntary organizations to do their work. These are the places where people learn to be law-abiding good workers, and yet in too many cases, legal and regulatory barriers make it nearly impossible for them to raise money, find volunteers, and operate their programs. For instance, licensing laws and the potential for lawsuits prevented the Michigan Salvation Army from starting an after-school program for "latchkey" children.

The federal government needs to help clear away this regulatory morass so as not to shut out the crucial face-to-face local organizations we are trying to encourage. As part of last year's health insurance reform bill, Congress passed the Coats Medical Volunteer Act, which provides federal malpractice insurance to doctors and nurses providing free health care to the poor. And this year's Volunteer Protection Act will protect volunteers from liability unless they cause harm through recklessness, gross negligence, or willful or criminal misconduct. We need to do more out ahead, such as passing the proposed Charity Tax Credit, which would allow every taxpaying family to receive a tax credit for donations to private charities fighting poverty in their communities. Most taxpayers would rather support Big Brothers/Big Sisters in their own community than feed Big Bureaucracy in Washington, D.C.

We need to clear the way for these nongovernmental solutions to human problems, solutions that build trust within communities. Government should not seek to create such organizations or run them directly, but it can and should support their efforts. Decreased regulation, lower taxes, greater protection from frivolous lawsuits—all these are ways to allow charities to do greater good for individuals and their communities. —*Spencer Abraham and Dan Coats*

Forbidden Truths About AIDS

The September 12 meeting of the governor's AIDS advisory panel in Manhattan was livelier than usual when 20 members of the homosexual activist group ACT-UP appeared brandishing BIGOTRY MUST BE STOPPED! placards. After 30 minutes of whistle-blowing and screaming, "Resign!" and "Hodes: pig! *Shame*!"—one protester handcuffed himself to the panelists' table. But even after the police arrived and the protesters shuffled off, the theme remained the same: one panel member circulated a letter *in absentia* demanding Dr. David Hodes's removal from the panel for his "bias, prejudice, and ignorance" as well as for his "outrageous proposals for ending the epidemic." Three of the 13 panelists in attendance also pushed Hodes to resign. He refused.

What's the fuss over Hodes, the chief of the infectious diseases division at the Mount Sinai School of Medicine? On July 2 he had the temerity to suggest to the state's AIDS advisory panel that since "what needs to be prevented is transmission between the infected person and the uninfected person, . . . people who are infected should have sex only with other people who are infected." The governor's office and the state Health Department fell over themselves in a rush to condemn Dr. Hodes.

But encouraging those with AIDS to take some responsibility for not spreading the disease makes sense to most folks. In Sweden, where those with HIV are obliged by law not "to have sexual relations with anyone who is unaware that you are infected," the incidence of AIDS is two per 100,000, as compared with the U.S.'s 30 per 100,000 incidence. Thanks to activists, New York State has the dubious distinction of being the only place in the world where HIV is not officially recognized as a sexually transmitted disease (STD). In the late eighties, the state's medical society asked the public health department to perform partner notification for HIV (since New York law, as in standard public health practice everywhere, requires this for all STDs). Under extreme pressure from activists, the public health department said no, deeming AIDS to be a blood-borne disease and not an STD.

Dr. Hodes is right to say that only dealing with the epidemic in a more honest manner will end the suffering caused by HIV. Promiscuity spreads this epidemic, yet we never hear activists say, "Have only one lifetime partner." We must treat the ill with compassion; but that doesn't mean turning a blind eye when they behave in an irresponsible and reckless way that harms others.

— *Shepard Smith*

Mistaken Identity

Ever wonder what a quarter-century inside the Ford Foundation will do to a person? Susan Berresford's inaugural presidential message gives us a sad clue. Berresford was the ultimate Ford insider when she succeeded Franklin Thomas last year as president, having started at the foundation 27 years ago during the tumultuous reign of McGeorge Bundy. Her inaugural address had been eagerly awaited as a portent of Ford's future: it isn't auspicious.

The message's central conceit is that Berresford, having conversed with many anonymous global experts about their fears for the twenty-first century, now shares what she has learned. Her global advisors turn out to be an extremely fearful group: they worry about everything from the lack of "caring, compassionate societies" to the "erosion of such resources as schools and libraries, forests and clean water." Some of what her global experts worry about, such as "changes in gender roles," was underwritten by Ford, but Berresford does not note the irony.

In between scattered non sequiturs and platitudes, one theme clearly emerges: the overriding, all-consuming importance of identity politics. Incredible to say, the head of the world's most prominent private foundation believes that one of the paramount "challenges of the 21st century" will be that of "strengthening . . . identity"—even though ethnic tribes and urban gangs are massacring one another over a surplus of the stuff.

Berresford's anonymous experts echo her fears. They, too, are "intensely worried about . . . whether today's attention to racial, ethnic, and cultural diversity is adequate." Never mind that every large American institution, from Fortune 500 corporations to the military, has embraced "diversity" with a vengeance.

Decoded, Berresford's statement really means that the foundation will continue bankrolling the corrosive identity politics that have already fractured American society and that will undoubtedly do the same for Ford's international grantees. Though Ford thinks of itself as a global foundation, its effete, hothouse concern with "identity," laughably American- and university-centric, is grossly irrelevant to a world characterized by autocratic political regimes, deadly hygiene, and languishing economies. That her global advisors should allegedly share this concern is a troubling sign that America's cultural elite is opening international chapters.

— Heather Mac Donald

Ill Disposed

Of all the euphemisms designed to cloak the rawest of realities, none is quite so mendacious as the up-to-the-minute use of the word "disposal." In the nineties, it means *infanticide*.

Exhibit A: The September issue of *New Woman*, where author David France catalogues the recent rash of teens who have "disposed" of their newborns and notes bewilderedly, "each day seems to bring another case." There is Amy Grossberg; there is Rebecca Hopfer; there is Melissa Drexler—the list goes on and on. Each disposal is "so spontaneous, so impulsive, that even the perpetrators are caught off guard by it," France writes. Hence France's "exclusive report": to inquire, "Why was disposal the only thought that occurred to them?" And also: "Why hadn't they sought a legal abortion?"

Each year, France reports, more than "250 babies are self-delivered and then dispatched directly to garbage bags and rivers, toilet bowls and trash receptacles." But why?

That the rise of dispatching and disposing might have something to do with the cheapening of human life is a notion France dismisses out of hand. For life these days is not as cheap as it should be, thanks to the interference of some: "Many people think the recent cases [of infanticide] have to do with the heated-up battle over reproductive counseling, . . . the stridency of the sex-education battlefield, the fervent sidewalk wars in front of clinics." If benighted right-to-lifers keep condom giveaways out of the schools, what other choice does a teen have?

France also traces the roots of newborn disposal to excessive parenting. Many experts find that girls inclined to "dispose" are "overregulated," which means that "they strive excessively to please others and to fit in." If you are puzzled as to how "overregulating" parents could fail to notice that their daughter is nine months pregnant, or why a teen so eager to please her parents would opt for the sex-and-murder route, we luckily have experts to clear away the muddle.

The first expert France calls in is Susan Crimmins, director of the Institute on Trauma and Violence in New York City. She is outraged over those who fail to understand the disposers: "When people say these women are monsters, I don't believe that for a second. They are simply getting rid of the symptoms of their pain, and those symptoms happen to be a newborn child."

Priscilla Smith, who as staff attorney for the Center for Reproductive Law and Policy also knows what's what with the disposers, couldn't agree more. That's why she prefers to think of infanticide as a kind of "self-abortion," along the lines of pregnant women who fire gunshots into their bellies. "Infanticide is not all that different [from these self-administered abortions]," Smith explains. But if infanticide is abortion, does that make abortion infanticide?

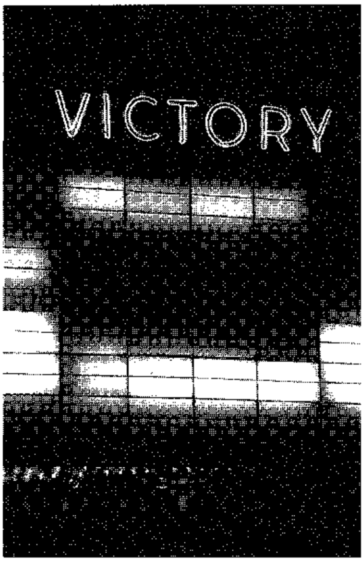
Well, never mind. The important thing to remember is that disposing is "not a modern dilemma" but an ancient practice with a venerable legacy. "It was so common in ancient Greece," author France reminds us, "that the phenomenon was given a name: *exposure*." Then University of Wisconsin history professor Linda Gordon, adds: "Historically, infanticide was occasionally allowed because it was a matter of survival. . . . In nomadic societies especially, infanticide was practiced at times because a person realistically can only carry one child at a time." Same thing with our overregulated teens who dispose. Often "it's either you or the baby," Gordon points out.

— *Wendy Shalit*

Our Plans for Vans

In 1980 the Transport Union of Greater New York called an illegal strike against the New York City Transit Authority, shutting down subway and bus service for 11 days. In response, a new industry was born as outer-borough New Yorkers scrambled to find a way to get to work in Manhattan and scores of private vans began shuttling passengers to and from the city. The vans were convenient, usually cheaper than buses, and could do things no subway could do—such as deliver passengers directly to their doorsteps late at night. Not surprisingly, when the strike ended, many customers kept riding the vans, even though they were operating outside the law. In 1993 the City Council bowed to reality and legalized private van services—sort of. It subjected them to a byzantine set of regulations.

No one quarrels, of course, with the requirement that van operators be licensed, inspected, and insured. Harder to justify is the anticompetitive provision that van services may not operate on routes already served by city-run or -subsidized bus lines—a restriction designed solely to preserve the monopoly of the Transit Authority and its union. A would-be van operator must next secure the approval not only of two city agencies (the Transportation Department and the Taxi and Limousine Commission), but also of the City Council itself—which gets extraordinary power in this scheme.

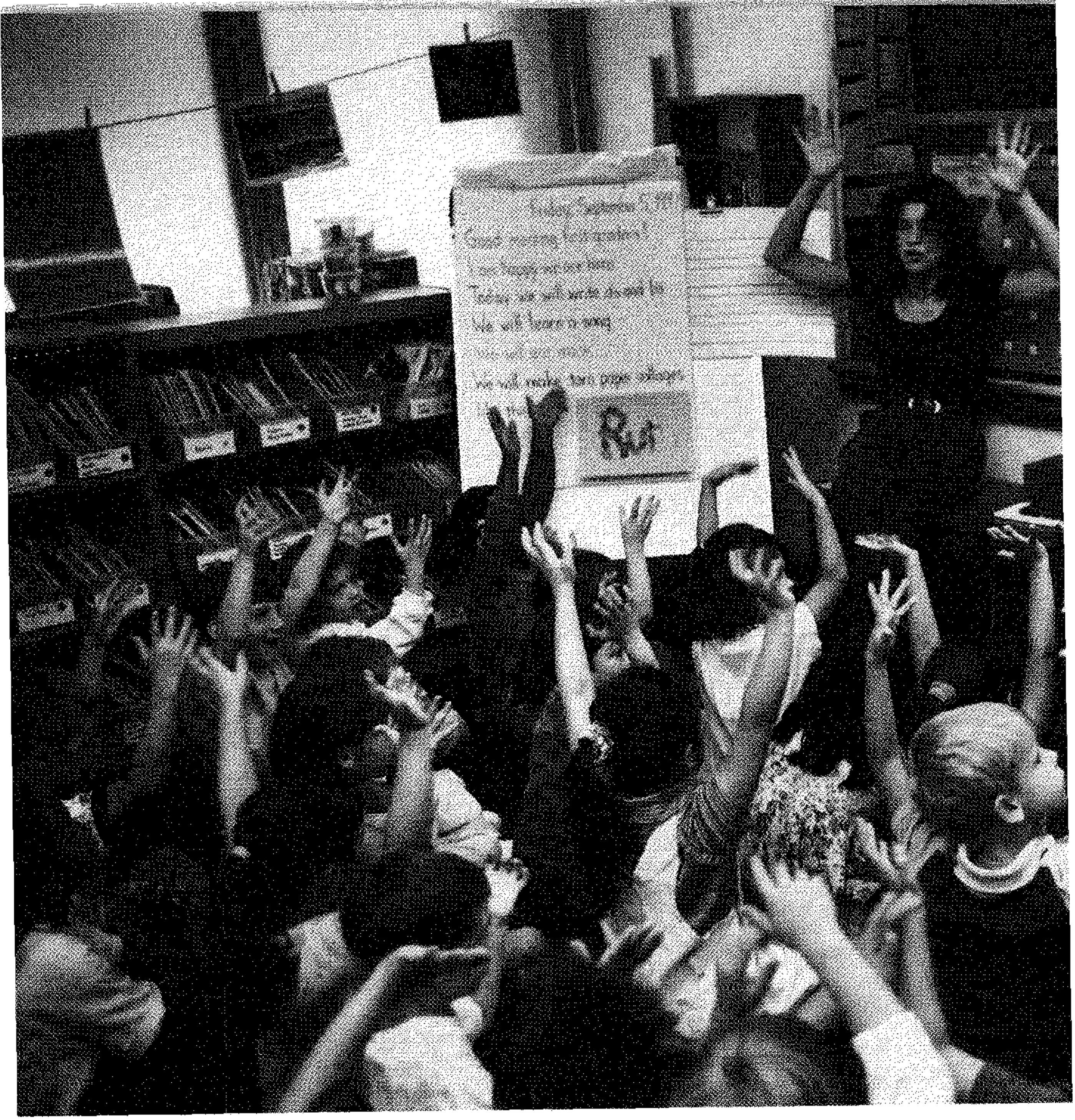


The Institute for Justice, a free-market legal foundation, has sued the city on behalf of four commuter-van operators and the trade association that represents nearly all the city's van operators, alleging a violation of van operators' due-process rights. Meanwhile, the City Council seems to have concluded that it has gone too easy on van entrepreneurs. On September 4 the Transportation Committee voted unanimously to impose a yearlong moratorium on van permits—including annual renewals of existing permits. Since all such permits must be renewed every September, and the moratorium is retroactive to August 25, it would have made all commuter vans illegal. Facing public pressure, the committee did modify its moratorium bill two weeks later to permit renewals. The full City Council approved the moratorium on September 30.

"We get to stay in business, but we're stagnant—we can't grow and meet the increasing demand," says Hector Ricketts, whose company, Queens Van Plan, runs 53 licensed vans.

Monopolistic regulation and *ex post facto* laws won't banish vans from the city, but since unlicensed vans won't be subject to the inspection that govern licensed ones, the City Council will succeed in endangering citizens. You might expect all this from a two-bit banana republic, but not America's greatest city.

— *James Taranto*



Sol Stern

My Public School Lesson

Photographs by Alex Webb/Magnum

Today is
The date is
Yesterday was
Tomorrow will be

I sent my sons to P.S. 87, New York's top public elementary school, and learned why the very best the school system can do just isn't good enough—especially for minority kids.

As I arrived at my younger son's elementary-school graduation last June, I swore that this time it would be without tears. Sure, I'd lost it during the identical ritual for my first son four years earlier. But now I was a more jaded public-school parent. To no avail: I started choking up with emotion as soon as I spotted my ten-year-old, clad in his first-time-ever white shirt and tie, marching into the auditorium with his beaming classmates.

It was a decade since our older child had been lucky enough to get into this same school, P.S. 87—the William T. Sherman Elementary School—on Manhattan's Upper West Side. Then as now, it was one of the city's "hot" public schools, deemed by *Parents Magazine* one of the country's ten best elementary schools—public or private. Two *New York Times* profiles puffed it as one of the few public schools white middle-class parents still clamored to get their kids into. It looked like that Holy Grail of urban public education: a school that provided a quality education to a racially and economically mixed student body.

But was it, really? Certainly the graduation ceremony displayed the city's diversity at its energetic best, I thought, looking round at my son's many black and Hispanic friends, some of whose parents had immigrated from Ethiopia, Ghana, Colombia, and the Dominican Republic. The parents of his classmates ranged from high-powered lawyers and well-known writers to custodians, factory workers, even welfare mothers. The eloquent valedictorian was the daughter of two professors—one Indian, the other Jewish—and the niece of the *New York Times*'s executive editor. It all looked like exactly the cosmopolitanism my wife and I had hoped for when we chose P.S. 87. It seemed to be the realization of our long-cherished belief that the public schools, as they had in the past, could forge a common democratic and civic culture out of the nation's diversity.

But after ten years of learning firsthand about our actually existing public school system, I knew as I sat there that the reality was quite different. Even as I was moved to tears by the beautiful ceremony, I pondered the hard lesson P.S. 87 had taught me: even the very best of the city's public schools wasn't good enough—and was at its most inadequate for the poor and minority children who need its help most.

Back in 1987, when my wife and I started searching for an acceptable public elementary school for our firstborn, the four closest to us were hopeless failures. But 13 blocks farther south, P.S. 87 was thriving, even turning away many pupils from outside its catchment area. After our son started school there, we learned that P.S. 87 had itself languished throughout the 1970s, when middle-class parents shunned it. Then a rescuer appeared on the scene: a middle-aged woman given to wearing long, flowing black dresses. Her name was Naomi Hill, and she soon became one of the New York City school system's legends.

At the time she was appointed principal in 1980, P.S. 87's enrollment had dropped from a high of 850 to a skeletal 350. The school was in complete disarray: Hill's predecessor had pitted parents and teachers against each other, and the children were out of control, straggling into the building late and sometimes setting off fire alarms. Music and art instruction had virtually disappeared, as had after-school programs.

Hill claims she had no master plan when she took on her apparently hopeless task. "I never studied this stuff," she told me recently. "I just made it up as I went along." In fact, she could have written the book on turning around a failing city school. And she was living proof of the power of individual leadership in the schools: whenever a school improves, the reason, almost always, is a high-powered principal able to buck the system and inspire effective classroom teaching. Similarly, behind a failed school is almost always an indifferent principal.

Hill sensed that the key to P.S. 87's revival was to lure middle-class parents. "We had to bring the parents back into the school actively, and we had to make alliances with them," she told me. Recruiting at neighborhood fairs and nursery schools, she turned out to be a superb saleswoman. She offered skeptical parents a challenge: take a chance on my school, and you can be partners in its rebuilding.

One mother recalls how Hill successfully made her pitch to a group of parents at a nursery school on the Columbia University campus: "It never would have occurred to me to send my child to a school 30 blocks downtown. But she provided us with a sense of discovery. She convinced us she had a plan to meet the needs of our children. She also promised that our children would get the school's best kindergarten teacher. Eventually eight of us decided to go as a group." Within a few years P.S. 87's enrollment was back up to 700 students, about 50 percent of them white, middle-class kids.

The terms of the alliance with parents were clear. Since parents were welcome to visit classes, to volunteer, to drop in on Hill anytime with problems or suggestions, they soon developed a feeling of ownership. Even Hill's office, furnished with comfortable sofas and overstuffed chairs she'd inherited when her mother died, expressed a warm and friendly embrace.

In turn, the parents proved a powerful instrument to help Hill effect her school's resurgence. By the time my first child arrived in 1987, the Parents' Association was taking in over $100,000 per year (now closer to $200,000) through street fairs, raffles, and auctions. The money was used, among other things, to pay for a full-time music teacher and a part-time art teacher and librarian. New parents flocking into the school brought other important resources. Some were active in West Side Democratic politics or worked for powerful law firms or had jobs in the media.

Hill had a talent for discovering which parents could be useful. Knowing that I worked for the City Council president, for example, she drafted me to get city parking privileges restored for her teachers. After I spent months trying to convince my boss that this was a major city problem, he appealed to the transportation commissioner to remedy this injustice to one of the city's best schools—though in the end, alas, the commissioner didn't owe my boss a favor and wouldn't restore the permits.

Anton Klein, District 3's superintendent during most of Hill's tenure, recalls several occasions when Hill dispatched her assertive parents to lobby him for something the school needed, most often help in finding a dodge to keep an unwanted, burned-out or incompetent teacher from transferring into the school under the union contract's seniority provisions. "Three very imposing-looking women would march into my office," said Klein. "One was a lawyer for the ACLU, one was an opera singer, and one was an influential political activist. They were very persuasive in terms of what they wanted for their school, and they would often get it."

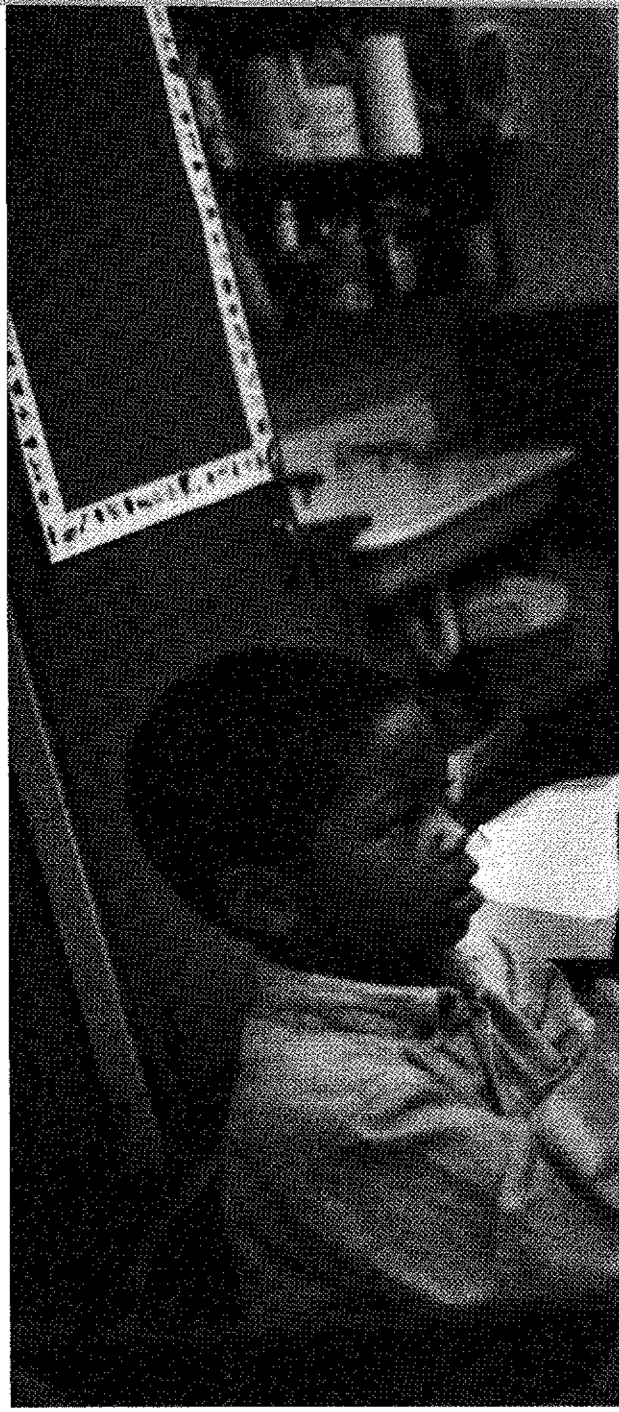
Among the rewards of being a P.S. 87 parent was becoming part of an embracing community. Many parents were veterans of 1960s activism, and the school was a little like revisiting those heady days again. Not only was your child in a happy, nurturing place and receiving what looked like an excellent education, but the integrated school you were helping to build was accomplishing one of the key objectives of the 1960s civil rights movement. "Being a P.S. 87 parent changed my life," recalled Barbara Horowitz, one of Hill's first Parents' Association presidents. "It was an intense personal experience. We worked together to create a real democratic and community school." Memorably, my wife and I joined hundreds of other parents one spring weekend to help build a playground for the school—a kind of urban community barn raising for the benefit of our children.

Yet the school's communalism would have made no difference without our chief executive's gift for finding talented young teachers, particularly in the early grades, and inspiring and energizing them. Hill made clear to prospective teachers that despite the teachers' contract's limitation of the school day to six hours and 20 minutes, in this school many teachers showed up long before the students arrived and stayed long after they left. Bending the rules, she would often hire young teachers with only a B.A. degree and a per-diem substitute teacher's license. She would then protect these gifted beginners until they had accumulated the necessary graduate credits to obtain their licenses. And she had the gritty determination to confront mediocre and incompetent teachers. Though she couldn't fire them, she sometimes was able to embarrass them out of the school.

Deborah Meier, a leading progressive educator, has written that schools should never have more than a few hundred students, so that "every child . . . can be known by name to every faculty member in the school and well known by at least a few." Naomi Hill challenged this by-now-conventional wisdom. She had concluded that to turn P.S. 87 around, she would have to enlarge the school to what reformers like Meier deride as "factory" size. "One of the advantages of recruiting more students," Hill told me, "was that I had more positions for teachers. That meant that I had more teachers whom I personally selected and more teachers who really wanted to be in the school and shared our philosophy."

Many parents were veterans of 1960s activism, and the school was a little like revisiting those heady days again.

Had she kept the school at 350 students, she would have been stuck with an unacceptable percentage of incompetent teachers protected by a state education law that guaranteed them tenure in the same building for life. But she could dilute them by piling in students and opening new classrooms. Creating more staff positions also gave her a greater number of "cluster" positions for teachers who are supposed to cover classes when regular teachers are on their preparation periods and who, until this fall, patrolled lunchrooms and school yards. Thus she could shunt dysfunctional teachers out of the classroom into cafeteria or yard duty.



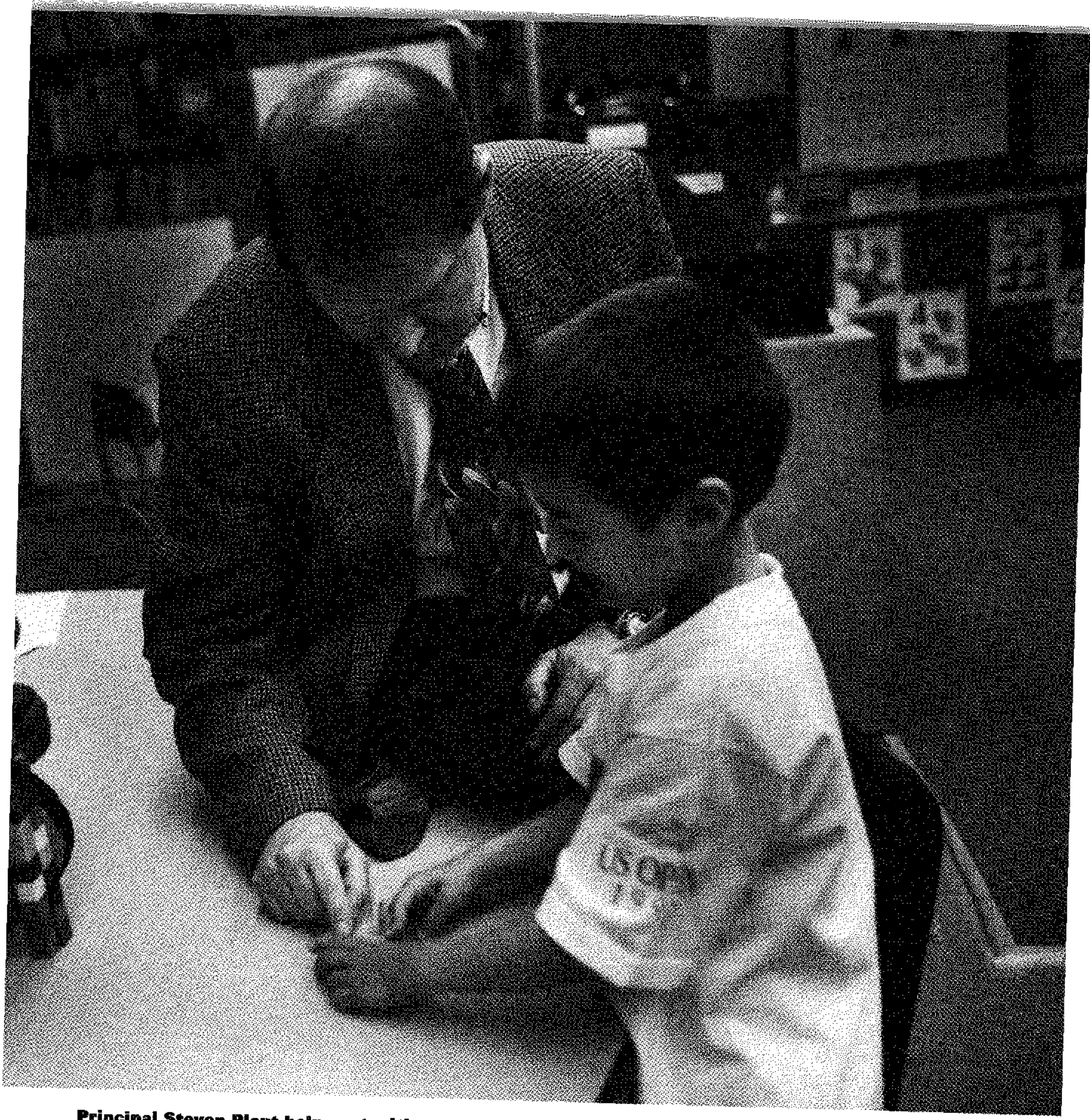
Still, for all our principal's genius at skirting union work rules, this remained a New York City public school. Always some unlucky children ended up in classes with teachers so bad that they'd waste an entire year. We never had enough cluster positions to hide such incompetents. And despite our best efforts, some union transfers did succeed in getting into the school. Each time it happened, it was a dispiriting reminder that we had always to be on the defensive against outside bureaucratic attack—that in this school system the interests of incompetent employees came ahead of the children.

In a *New York Observer* column, P.S. 87 parent James Lardner recently wrote about his shock at finding that one of the school's nastiest "cafeteria operatives" was a veteran licensed teacher drawing a top salary. Dubbing her "Mrs. Lungworthy," Lardner wrote that her "Marine Corps training camp" methods of dealing with small children made her an inappropriate choice even for patrolling the lunchroom. He expressed his outrage to a more experienced parent, who levelly replied: "Do you want her teaching?" New provisions of the teachers' contract took effect this fall, allowing teachers to refuse such "administrative duties," so now P.S. 87 pupils will be facing teachers like "Mrs. Lungworthy" in their classrooms.

When my son entered kindergarten at P.S. 87 in 1987, enrollment had already reached the official building capacity of about 900, and it rose to almost 1,100 by 1993. As the numbers skyrocketed, Hill exploded another cliché about the system—namely, that the city's "overcrowding crisis" is the main cause of the poor performance of many schools. Sure, it was inconvenient that P.S. 87's lunchroom and yard were crowded and noisy, and sure, small schools have some real advantages. But as Naomi Hill demonstrated, proper management and hardworking teachers can triumph over many material obstacles and preserve the quality of classroom teaching.

P.S. 87 taught me, too, that much of the current public debate about the city's education problem—especially election-year debates about whether this or that candidate is "neglecting public education"—is totally irrelevant to what happens in individual schools and classrooms. Neglect in this case always means cutting central Board of Education budgets. It never means failing to criticize a system that protects incompetent teachers.

After all, as P.S. 87 made clear to me, whether the city's education budget was up or down by half a billion dollars had almost no impact on what happened in my children's classrooms. An annu-



Principal Steven Plaut helps out with a math lesson.

al per-pupil spending cut of $500 would pale in comparison to the scandalous waste and lack of productivity that contractual and bureaucratic arrangements imposed on our school. For example, just the combined salaries of the four or five cluster teachers who could neither be fired nor trusted in front of a classroom would have made up for most of the cuts in our school's budget. And think of the productivity-crushing effect of the teachers' union contract requirement that virtually all staff development must take place during the prescribed six-hour-and-20-minute school day. On the eight to ten days each year when staff development sessions occurred, the children were sent home at 11:30 AM.

It was impossible to miss how little value the inefficient and sometimes destructive nonpedagogical staff—the custodians, cafeteria workers, and security guards—provided our school at huge cost, thanks to the sweetheart contracts their unions were able to extract from the city. One example: our school yard was often unusable for days after a winter storm—because the contract didn't require our highly-paid custodian and his helpers to clear the snow and ice.

Had P.S. 87 been operated as a rational enterprise dedicated to the interests of the children, we might have been able to relieve the overcrowding in the lunchroom—while enhancing the children's diet—by contracting with an outside vendor for food services. We could have saved money and made sure the yard was always usable by privatizing custodial services. We could have eliminated the security guard's job because we had no security problem in the school that the existing staff or parent volunteers couldn't handle. Despite her creativity in skirting some union contract rules, our CEO had neither the autonomy nor authority to make crucial management decisions that would have improved P.S. 87's performance dramatically.

Sooner or later, most P.S. 87 parents figured out how deeply the system's bureaucratic and political imperatives were harming our school. Yet they had a harder time understanding how the school's underlying educational philosophy was harming their children and, even more damagingly, was crippling the children of the poor. The mindset that found P.S. 87's communalism so congenial was the mindset least likely to see through the egalitarian-sounding shibboleths of progressive education that infused the school's entire program.

It took me a long time to see this, too. Like most P.S. 87 parents, I started out unfamiliar with pedagogical and curriculum issues. Naomi Hill had a reputation as a "progressive" educator, but this was *de rigueur* on the West Side. And it seemed to work: when my wife and I visited the school during the first few years, the atmosphere in my son's "open" classrooms, where children worked together in constantly-shifting groups of three or four sitting around a table, seemed both nurturing and productive.

I first got uneasy when I learned that P.S. 87 was using a new teaching method called the "writing process," based on the assumption that all children were "natural writers." The old-style concern about sentence drill, grammar, and spelling squashed natural childhood talents, we were told, while the new method let children's creativity flow by ignoring those stifling rules and letting kids write down in journals whatever came to their minds. They would then revise these entries, with but a smidgen of guidance from the teacher.

Few academic skills are as important for children's future success as the ability to write and communicate. Yet as a corollary of the "writing process," P.S. 87 didn't seem to hold teachers accountable for making sure students attained some objectively measured level of writing competence. Indeed, the parents of children who were less "natural" writers than others, who still couldn't compose a correct sentence by third or fourth grade, were still hearing assurances that all children develop at their own pace and that there really is no single "correct" way to write. Not to worry.

The "writing process" is a product of Columbia University's Teachers College, which, along with the nearby Bank Street College of Education, trained many of P.S. 87's younger teachers. These citadels of progressive education taught them that teachers should "teach the child, not the text," that children, as "natural learners," can "construct their own knowledge." Teachers must not "tell" children "mere facts" but should help them "discover" useful knowledge on their own. While congenial to teachers who don't enjoy drilling grammar, spelling, or penmanship anyway, this view is deadly for the children who ended up graduating without competency in these essential tools of language.

It was only after my older son's first three years that I began to suspect how readily this doctrine of "child-centered" education could lead to adult abdication, especially in math. With its many hardworking teachers and bright students, P.S. 87 should have been thriving in this area. But as many parents reluctantly concluded, math instruction at P.S. 87 was a wasteland.

Teachers automatically met parental anxiety with the bromide that the children were learning mathematical concepts by solving real-life problems and thus were not only learning math but also were "learning how to learn." Experts had proved, the teachers assured us, that natural, hands-on learning was more effective than "force feeding" children with repetitive operational drills.

In the earliest grades, when children learned some of the rudimentary concepts of numeration by manipulating rods and blocks, all this sounded reasonable. But by the time my son reached the third grade, the school wasn't doing much of a job of drawing forth his "natural" math abilities. His highly respected and very hardworking teacher devoted months of class time to an across-the-curriculum project on Japan, which included—to the delight of the kids—the building of a Japanese garden. Every day when my son came home, we'd ask him what he did in math. Every day he cheerfully answered: "We measured the garden." In answer to my wife's concern, the teacher assured us that building the garden required "real-life" math skills. Maybe—but my son's conscientious fourth-grade teacher later chafed over having to keep reviewing the multiplication tables that the children were supposed to have mastered in third grade.

I soon started complaining to anyone in the school who would listen that, while it was nice that our children were building Japanese gardens, Japanese kids were leaving our kids in the dust in real math. Finally my wife and I realized that we had to find a private solution for what we now recognized as a serious institutional blind spot. Since we were frequent visitors to Israel, we began using its excellent math workbooks, based on its uniform national curriculum, to teach our son ourselves. Needless to say, the very idea of a coherent, graded math workbook would be anathema at P.S. 87.

Just as our family began our modified version of home schooling, Naomi Hill threw the P.S. 87 community into a state of shock: she announced that she was leaving to become principal of an elementary school in New Jersey. Such was the acclaim that P.S. 87 had achieved under her tenure that her departure merited two articles in the *New York Times*.

The school's parent-teacher search committee and the Parents' Association lobbied hard to make sure that the district superintendent picked Hill's assistant principal, Jane Hand, as her successor—the idea being that, having been Hill's acolyte for several years, Hand would maintain the traditions and methods that made the school so successful. She became principal in 1992. Three years later she dropped a bombshell of her own when she announced that she was leaving to take a principal's position in Westchester. The various committees went through another official search process and elevated Hand's assistant principal, Steven Plaut—once again in the name of continuity.

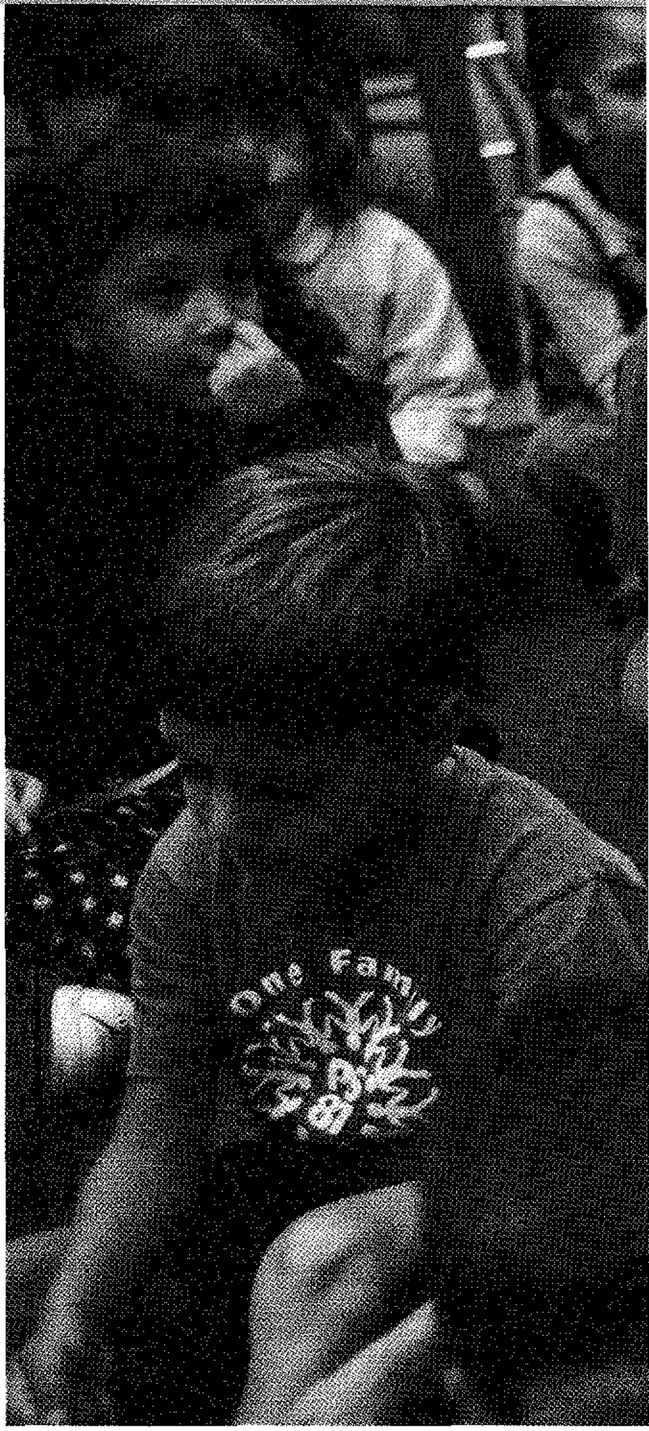
The old-style concern about sentence drill, grammar, and spelling squashed natural childhood talents, we were told.

Hill's departure marked a significant turning point for the school. Veteran parents missed her charisma, her driving energy, the confidence they had that she knew what was happening in every classroom and was pushing every teacher to do her best. Once she left, parents began grumbling that the school was losing its intimate, communitarian feeling. Jane Hand provided a more bureaucratic, less personal style of leadership. She was also less likely than Hill to confront an inadequate teacher and more willing to get along with the teachers' union. Under Hand and Plaut, teachers seemed to have almost unlimited autonomy in their classrooms, even to setting the curriculum. Some teachers gave tests, but most didn't; some assigned a lot of homework, and some assigned almost none.

After every revolution, of course, comes the inevitable bureaucratization and loss of élan. Still, both Hand and Plaut were competent managers who weren't about to allow the school to deteriorate. Prospective parents who went on the school tours came away as impressed as ever with the lively classrooms, the hallways bedecked with the children's work, and the tone of civility and cooperation.

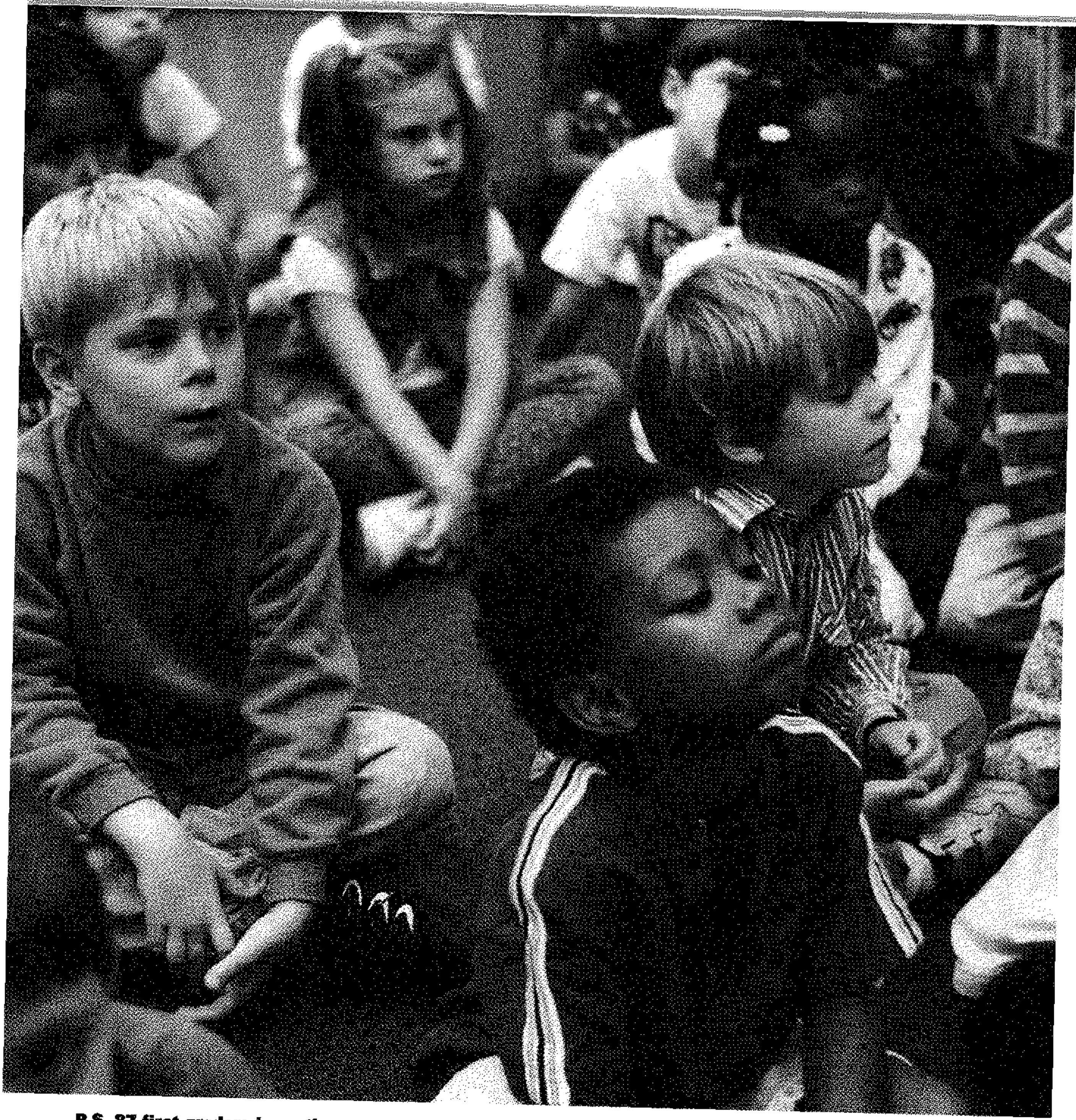
Naomi Hill left the school at the end of my older son's third-grade year—the year of the Japanese garden. Up to that point, when West Side parents with preschool children asked me about the public-school option, I would answer unequivocally that at P.S. 87 they could save $12,000 a year ($17,000 today) and get a very good education for their children. After Naomi Hill's departure, I amended my answer: "P.S. 87 is fine for the first three grades, but after that you'd better be prepared to supplement it with some home schooling." And even as I began to bemoan the lack of academic rigor in the upper grades, the drumbeat of progressive-education clichés coming from the principal's office seemed to get louder and louder.

I had started out wanting to believe that innocuous-sounding catchphrases like "learning to learn" and "child centered" merely meant that high academic standards were compatible with nurturing, creative classrooms for young children. But all too often in my own children's classrooms, I was beginning to understand that they really meant that teachers never would be held accountable for teaching any concrete body of knowledge. Without yet knowing it, I had become a traditionalist in education.



As my older son started fifth grade (his senior year at our K–5 school), I joined a group of parents from other schools who wanted to start a new alternative junior high school for bright kids. When Jane Hand learned of my involvement in this effort she told me it was "elitist," and came near to accusing me of betraying P.S. 87's "progressive philosophy."

Hand insisted that all students could learn perfectly well in P.S. 87's heterogeneous classes—or any school's. Indeed, in her articles in the newsletter she frequently cited an academically respectable source for this idea—a University of Connecticut education professor named Joseph Renzuli, who theorized that bright students in mixed classrooms could be pulled out for accelerated work in a kind of special education system for the gifted. Even so, Hand never implemented this fine-sounding theory.



P.S. 87 first graders learn the ropes during the school year's opening week.

One reason was that our new principals wanted to redefine the very idea of giftedness. Hand wrote that P.S. 87 was "a school that believes that all children are gifted, talented, curious, capable, and accomplished." Fatuous as this sounds, parents were told it had the backing of yet another famous progressive educator, Harvard psychologist Howard Gardner, who had roiled the field of cognitive psychology with his provocative theory of "multiple intelligences." His notion that every child is gifted in at least one of seven different intelligences, including the non-academic "bodily-kinesthetic" intelligence of dancers and athletes, was a godsend for progressive-education dogma. It meant that no matter how poorly some children might perform on objective tests, each had his own learning style and "giftedness," worthy of respect. As current principal Plaut wrote in the school newsletter, "Gardner would greatly approve of the way we group children for cooperative learning, treat each child as gifted, and allow each child to develop his or her own particular talents."

But even Gardner expressed caution about "some of the characteristic weaknesses of the progressive-education movement," warning that "when [a] laissez-faire approach is carried too far, as it sometimes has been among progressive educators, one may be left with a large population at sea." Particularly after Naomi Hill's departure, P.S. 87 seemed increasingly adrift in this way, with no common curriculum or essential texts that each student was expected to master. After all, if every child was gifted in his or her own way, such uniformity made no sense. So while my older son's fourth-grade class studied the exploration of America by actually reading books and writing serious book reports, other fourth-grade classes (including my younger son's) meandered incoherently from one subject to another, requiring no texts, no book reports, but only hands-on projects. Under the mantra of "learning to learn," of course, it made no difference what subject matter was covered, as long as all our "naturally gifted" children developed their "critical thinking" skills.

I was often struck by how little my children's very bright classmates knew about such foundational subjects of our common civic culture as the Revolution, the framing of the Constitution, the Civil War. Sometimes as a prank I would ask my children's friends whether they knew who William Tecumseh Sherman, for whom their school was named, was. Of course, not one did, because they had never learned about the Civil War. When I once told Steve Plaut about my informal survey, he shrugged it off. "It's important to learn about the Civil War," he said, predictably adding, "but it's more important to learn how to learn about the Civil War. The state of knowledge is constantly changing, so we have to give children

The real lesson of Greenwich Village's P.S. 41

I have always thought of P.S. 41, with its dedicated cadre of middle-class parents, as the P.S. 87 of Greenwich Village. As schools' chancellor Rudy Crew recently learned, such affluent and politically savvy parents can become formidable adversaries when aroused. The P.S. 41 parents' challenge of the dismissal of one of their fourth-grade teachers in September received nationwide media coverage and embarrassed the chancellor and other school officials. Unfortunately, the real lessons this case teaches about the bureaucratic imperatives of the public school system went largely unnoticed.

More than a week into the school year, P.S. 41's principal, Lois Weiswasser, abruptly summoned the fourth-grade parents to an emergency meeting. She informed them that because of budgetary constraints, the school was losing one teaching position. Worse, the union contract's seniority rules required the principal to lower the axe on a popular first-year teacher named Lauren Zangara. With the principal's hands tied, the unlucky children who had just settled into Zangara's fourth-grade class were to be dispersed among four other classrooms.

It didn't occur to the parents to mount a protest against that destructive seniority rule. They didn't ask why a dynamic young teacher was being tossed overboard, with the consequent disruption of their children's education, while the teachers' contract protected a number of less productive teachers at the school assigned to non-teaching cluster positions. Nor did the parents raise questions about why the school wasn't allowed to restructure its $5.2 million budget. Why, they might have asked, couldn't the principal make a managerial decision to keep another classroom teacher on staff and reduce class size, rather than spend the school's money on cafeteria aides and security guards?

Facing an impending deadline, the P.S. 41 parents desperately took the only course they the tools to be able to research things, to think critically, to use a library."

But the idea that there are no facts about ourselves as a people that our children must learn had an important exception. As I was to discover, all children at P.S. 87 were expected to master the eternal truths and core knowledge determined by the currently fashionable doctrines of political correctness. Thus, while P.S. 87 children weren't expected to know anything about the dead white male their school was named after—the man who had helped turn the tide in a war our nation waged to free blacks from slavery—they learned everything there was to know about numerous African-American heroes, about the suffering and extermination of the Native Americans, and, increasingly, about women's rights and homosexual rights. To my knowledge, no progressive educator has ever suggested that children don't need to know the "mere facts" about the contributions of African-Americans to American society. If our school had been named after Harriet Tubman, our children surely would have been able to identify her.

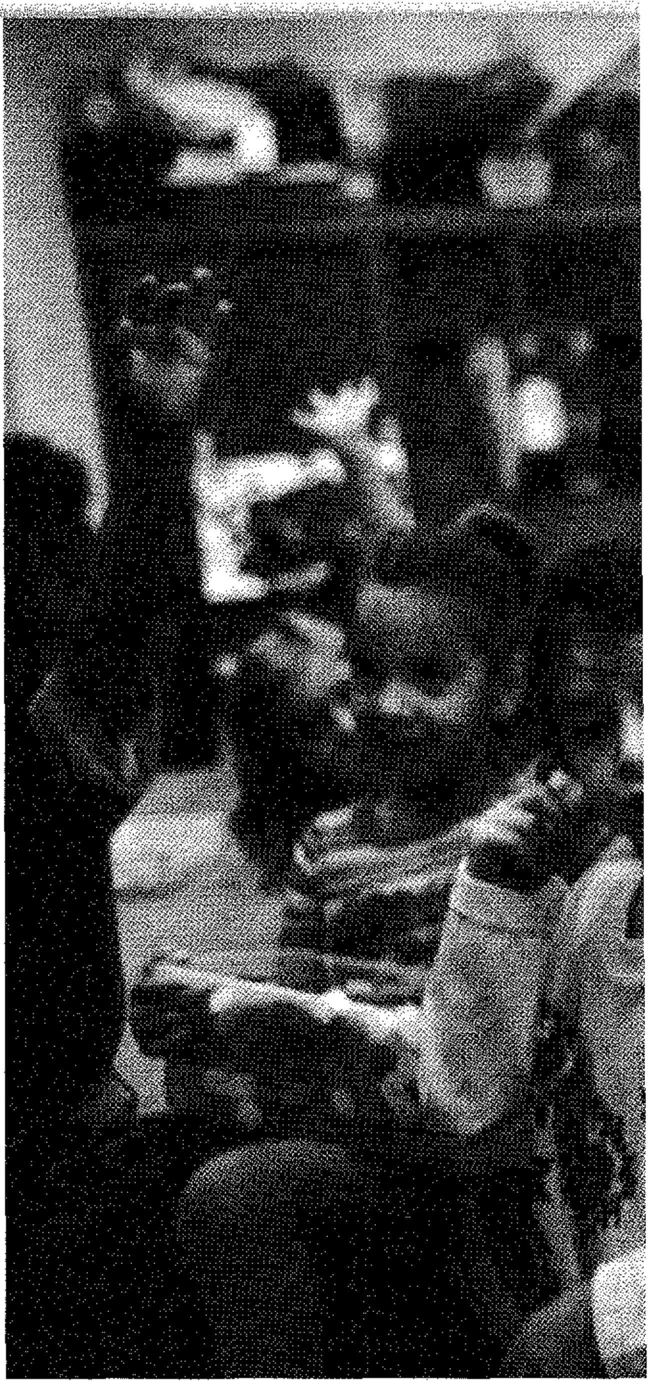
When a task force appointed by the New York State Regents charged that the state's social studies curriculum was too Eurocentric and insensitive to the contributions of African-Americans, I found myself commenting that anyone who believed that just didn't know what was being taught in the public schools. I cited my third-grader as an example, saying that he knew everything there was to know about Martin Luther King but that he probably didn't know much about George Washington. Finally, I tested my theory and asked him whether he had ever been taught about George Washington. He looked at me in all innocence and asked: "George Washington Carver?"

Despite the fact that P.S. 87 was already a living example of multiculturalism, that many of its children had developed cross-racial friendships, that there were never any racial incidents in the school,

believed had a chance of saving Zangara's job digging into their own pockets to pay her salary. The media played the controversy as a story about the right of middle-class parents in effect to hire a teacher, and of the dilemmas such a precedent might create for the whole system. Missing from press accounts was any reference to the bureaucratic shackles and the union work rules imposed on schools like P.S. 41 that led to the decision to let Zangara go in the first place.

Citing concerns about equity for poorer schools, Chancellor Crew first ruled against the parents, then backed down and ordered the teacher reinstated, albeit with her salary to be paid by the district. Crew was wrong about this. All public-school parents should be encouraged to use their human and financial resources to improve their own children's schools. To deny that basic parental instinct in the name of some abstract conception of equity does nothing for poorer schools, while speeding middle-class flight from the public schools and, ultimately, from the city.

Yet middle-class parents around the city should also pause to consider whether using their dollars to plug the dyke temporarily in their own school is the best way to challenge a system that places the interests of its protected employees way ahead of its children. The P.S. 41 incident illuminated the power of such parents to command the attention of the media and public officials. Parents ought to begin using that power of access to insist that their children have the right to be taught by the best available teachers, not the most senior teachers, and that their kids' schools be given real choices in how they spend their allocated budgets. When they start pressing for such limited and reasonable reforms, those parents will have taken one giant step towards fundamental, system-wide school improvement.



many teachers nonetheless encouraged the children to think constantly about racial categories, about victimization, and about incipient racism. My younger son's fourth-grade teacher directed her pupils to walk around the neighborhood for a week and to record in their notebooks examples of prejudice that they witnessed. My son came home grumpy with frustration: he was having a hard time finding prejudice on the streets of the Upper West Side. No P.S. 87 teacher ever told my children that the country they lived in was doing better than ever in race relations, and far better than most other countries.

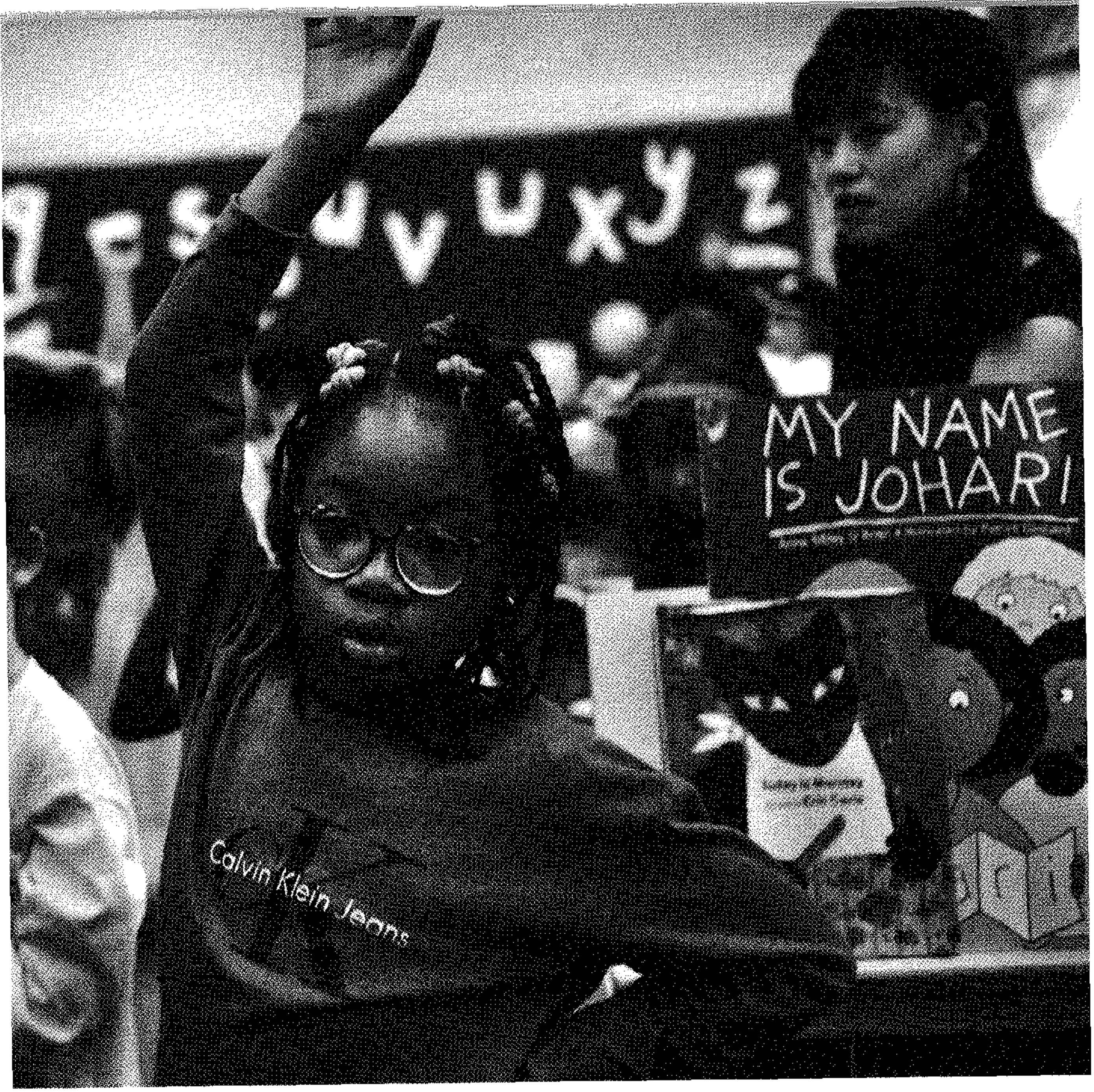
The same fourth-grade teacher handed out newspaper clippings about the Hawaii Supreme Court's decision to legalize same-sex marriages. She asked the children to write essays about what they thought of this decision and held a class discussion about homosexual marriage. When my wife objected that this might be inappropriate for nine-year-old children, the teacher responded that she didn't see why, since "this wasn't about sex."

At the beginning of my younger son's last year, P.S. 87 introduced something called "Peace Education and Global Studies." Its once-a-week sessions would make sure that fourth- and fifth-graders had the proper perspective on issues such as racial prejudice, homosexual rights, world peace, and environmentalism. Not content with mere academic instruction in these areas, the teacher who developed the program also wrote a letter about it to the parents. "I will infuse the idea of activism throughout this curriculum and explore ways for individuals to get involved and make a difference," he promised.

If there was one issue about which most P.S. 87 parents did want their school to make a difference, it was racial integration and equity. After all, ours was the school that prided itself on maintaining its racial balance and its mixed classes. Its most deeply held credo was that all children, no matter what their family background, would receive the same quality education.

Yet the saddest discovery I made at P.S. 87 was that its progressive pedagogy was undermining those historic objectives of the civil rights movement. The biggest victims of the "don't worry, we are teaching your children how to learn" approach were poor minority children, who desperately needed the basic skills and core knowledge that would allow them to compete in the real world.

Middle-class parents had choices, after all. When my children's teachers left them with intellectual gaps by wasting time trying to uproot nonexistent prejudice, my wife and I filled in with home schooling, as did many other middle-class par-



P.S. 87 seems like the realization of a city-dweller's dream of diversity.

ents. And despite the "all children learn at their own pace" ideology, I noticed that many of the middle-class parents tried to get their children in the classes taught by teachers known to force the pace. Some of our friends just gave up and, notwithstanding their theoretical support for public education, transferred their children to private schools.

But what choices were available to the children from more disadvantaged homes?

Years earlier my wife had volunteered in my older son's third-grade classroom. During the class reading periods, she was assigned to work with the slowest reading group and was astonished to find that all the children in it were black and Hispanic. It made no sense to her that a school like P.S. 87 should have such a racial gap in achievement. She became convinced that the single most important factor in those students' low performance in reading and writing was that they had never been taught—at school or at home—the basics of the English language. These were bright enough kids, but they had sadly impoverished language skills. They were missing what education writer E. D. Hirsch calls "cultural literacy" or "core knowledge."

In his new book, *The Schools We Need and Why We Don't Have Them*, Hirsch demonstrates that the most devastating consequence of progressive-education doctrines is that they have widened, rather than reduced, the gap in intellectual capital between middle-class and disadvantaged children. "Learning builds cumulatively on learning," Hirsch writes. "By encouraging an early education that is free of 'unnatural' bookish knowledge and of 'inappropriate' pressure to exert hard effort, [progressive education] virtually ensures that children from well-educated homes who happen to be primed with academically relevant background knowledge which they bring with them to school, will learn faster than disadvantaged children who do not bring such knowledge with them and do not receive it at school."

Hirsch also shows how what he describes as the "thoughtworld" of progressive-education guarantees that no educator ever has to face the music for this failure to raise the academic level of disadvantaged students. Education schools like Teachers College create an "impregnable fortress" of ideas and doctrines, which they, along with an "interlocking directorate" that also encompasses the teacher-credentialing industry, transmit to prospective teachers. "Like any guild that determines who can and cannot enter a profession," Hirsch writes, "the citadel of education has developed powerful techniques for preventing outside interference, not least of which is mastery of slogan."

As I read these words last year, I had the eerie feeling that, without ever having stepped into our building, Hirsch was vividly describing P.S. 87's dominant school culture. Our principals and many of our teachers continuously invoked the same self-serving slogans to avoid any objective analysis of whether the school was really accomplishing its goals of helping all its students succeed. They constantly reassured parents that "all children were gifted." If some of these "gifted" children nevertheless did poorly on standardized tests, the explanation was that standardized tests couldn't really measure what was truly important—namely, "critical thinking" skills, far more important than any body of knowledge. And thus, few parents ever dared ask whether P.S. 87 was really successful in narrowing the gap in intellectual capital between poor and middle-class children.

Last spring, however, at least some parents were disturbed when the State Education Department released results of the school's reading tests. A mere 53 percent of our third-graders read at grade level, not itself a very high standard. I suspected that the children who performed poorly on the reading test were disproportionately minority, confirming what my wife had observed six years earlier. Though the school could easily have broken down the scores by race and family background—which might have occasioned some worthwhile self-scrutiny and reevaluation of teaching methods—it did no such thing.

But at a Parents' Association meeting shortly after the test scores were released, our principal reassured parents that there was no cause for worry, because the test was only "a snapshot in time." What really mattered was whether the children went on to become "lifelong learners"—which he was confident they would be.

One day last spring my younger son brought home his fifth-grade homework packet for the rest of the week. Clearly, this was going to be Christopher Columbus–bashing week. The social studies homework consisted of a few photocopied texts. One took the traditional view that Columbus was a great explorer who opened up the New World; all the others expressed the revisionist critique of Columbus as a mean-spirited treasure hunter who brought pestilence and death to the innocent native population.

The math homework then took up the theme, in the grand P.S. 87 tradition that all learning should be cross-disciplinary and that the study of math should be relevant to real-life situations. The assignment for the entire week read as follows: "Historians estimate that when Columbus landed on what is now the island of Hati [sic] there were 250,000 people living there. In two years this number had dropped to 125,000. What fraction of the people who had been living in Hati when Columbus arrived remained? Why do you think the Arawaks died?

"In 1515 there were only 50,000 Arawaks left alive. In 1550 there were 500. If the same number of people died each year, approximately how many people would have died each year? In 1550 what percentage of the original population was left alive? How do you feel about this?"

We sent the teacher a note saying that our son wouldn't be doing the math homework that week. As politely as we could, we explained why we thought the assignment was foolish. Not surprisingly, we got no response.

As politely as we could, we explained why we thought the assignment was foolish. Not surprisingly, we got no response.

Nor did it matter much anymore. Our son was about to graduate, and we had long since dealt with this unbridgeable divide by accelerating his home schooling. During his fourth and fifth grades, we kept him home between 20 and 30 days a year—including all the half-days set aside for "staff development," when virtually nothing was accomplished in school anyway. In math alone he was able to move further ahead during each two- to three-hour home-study session than in weeks in his regular classroom.

Our home-schooling project had made P.S. 87 work well enough for our children. They benefited from the school's diversity, and both had several excellent teachers, guided more by common sense than by the catchphrases of progressivism. And P.S. 87 remained a decent, civil place, free from the violence and rancor that mar so many public schools.

Even so, I could no longer say, as I did ten years ago, that I was an unqualified supporter of the public school system. I saw that it had put the interests of its worst adult employees ahead of the interests of children, and this was indefensible. Nor could I argue with a straight face that we must defend our public schools on the grounds that they are the only institution capable of inculcating in our children a common civic and democratic culture. At P.S. 87 I had seen a retreat from the very idea of teaching the historic and foundational principles of the republic.

Addressing the P.S. 87 graduates last June, Principal Plaut said he was confident that all of them had "learned how to learn" and would continue to be "critical thinkers" for the rest of their lives. It was the same mantra I had heard over and over for the past ten years. This last time, I shook my head sadly.

The idea that schools can starve children of factual knowledge and basic skills, yet somehow teach them to be "critical thinkers," defies common sense. As E. D. Hirsch has written, the consensus among cognitive psychologists is that adults with high-order thinking skills are, "without exception, well-informed people." So while it may be true that many of P.S. 87's graduates will be both successful and "lifelong learners," many other children without adequate family supports, who had to make do only with what they received at school, will continue to lag behind. These were the children who had been promised the most by the public schools, yet who were getting the least. As author Shelby Steele has ruefully noted, "Every single progressive-education fad of the past thirty years has hurt poor black children."

This was not the P.S. 87 dream. ●

Making Justice Swifter

James Q. Wilson

The wheels of criminal justice grind with legendary slowness in America. Can we make them roll any swifter?

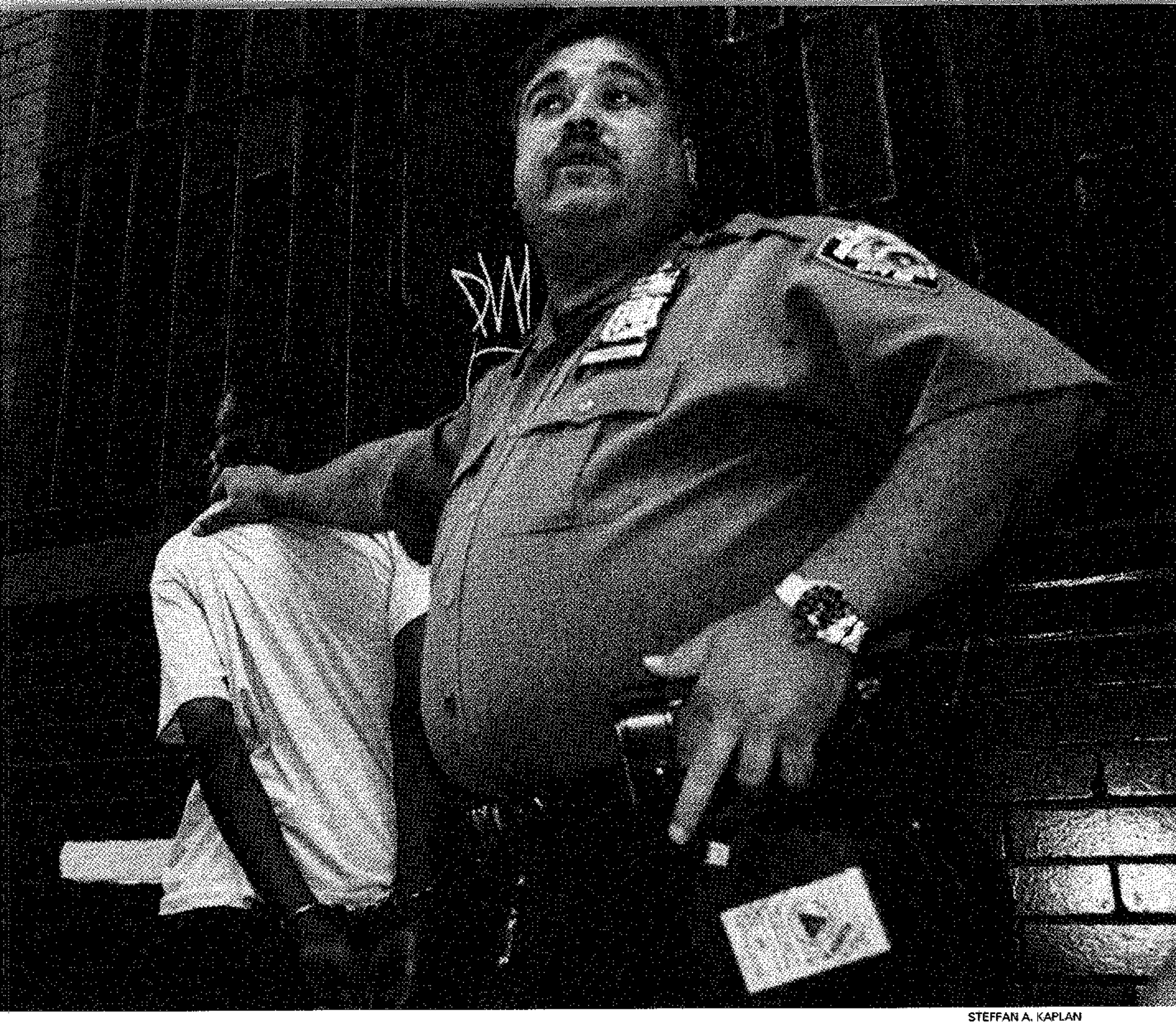
Certainly the spectacular criminal justice reform we accomplished in recent years didn't address the question of speed. It aimed instead at reducing the crime rate, and it succeeded overwhelmingly. By contrast with England, Sweden, and the Netherlands, the U.S. rate of property crime has declined dramatically, and the rate of violent crime has dropped significantly, too—chiefly because, contrary to the advice of some intellectuals, we have embraced the criminal justice system and attempted to use it. Abroad, they often warily reject it. But we have succeeded at a huge price: we have over a million people in state prisons. These institutions work well at deterring misconduct and incapacitating offenders, but they don't change people.

Only speedy punishment can get malefactors to change their ways, but the justice system moves glacially. Here are six constitutional ways to hurry it up.

If you want to change the people, speed becomes crucial. Any parent knows that. When raising children, we do not say, "John, because you've been teasing Mary unmercifully at the dinner table, six months from now you're going to be grounded." Nor do we say to Mary, "Because you have been feeding John's homework to the dog, you have a 50-50 chance nine months from now of being grounded." We believe as ordinary human beings that the swift penalty or the swift reward is far more efficacious.

The criminal justice system does not believe in swiftness, and for a very good reason. The U.S. Constitution gives to criminal defendants, as to all of us, the right to a fair trial, the right to counsel, and the power to resist certain forms of interrogation. We wish to ensure that the chances of an innocent person's being punished are minimal. There is no way, therefore, to make the criminal justice system, as it deals with accused offenders, much speedier. We have statutes in many states and at the federal level that induce jurisdictions to bring about speedy trials, but a "speedy trial" ordinarily takes place at least six months after the offense has been committed.

This is an ineffective way to teach the importance of decent standards of behavior to young people. It is an especially fruitless way to teach decent standards of behavior to those young people who are


STEFFAN A. KAPLAN

Three-fourths of all convicted criminals are on probation or parole and subject to state supervision.

always getting in trouble. Their attention span is approximately 20 minutes: if it were much longer, the police would never catch them, because they would plan their crimes more skillfully. But though the inability of wrongdoers to think far ahead has made police work in this country much easier than it otherwise would be, it also means that our capacity to alter the behavior of such intensely present-orientated persons correspondingly shrinks.

Can we make the criminal justice system swifter without abandoning constitutional protections for the innocent party? We can, if we realize that a large fraction of the criminal population is, at any given time, free in the community but directly subject to the authority of the state. Three-fourths of all persons who have been convicted of a crime are in the community on probation or parole, and they are therefore subject to community supervision. All children who are required to attend school are in the community under another kind of state supervision. If we can reach these people more effectively, then we can make the presence of the law-abiding adult world more real to them. And we can do so without recourse to trials, prisons, and all the time-consuming procedures that appropriately accompany them.

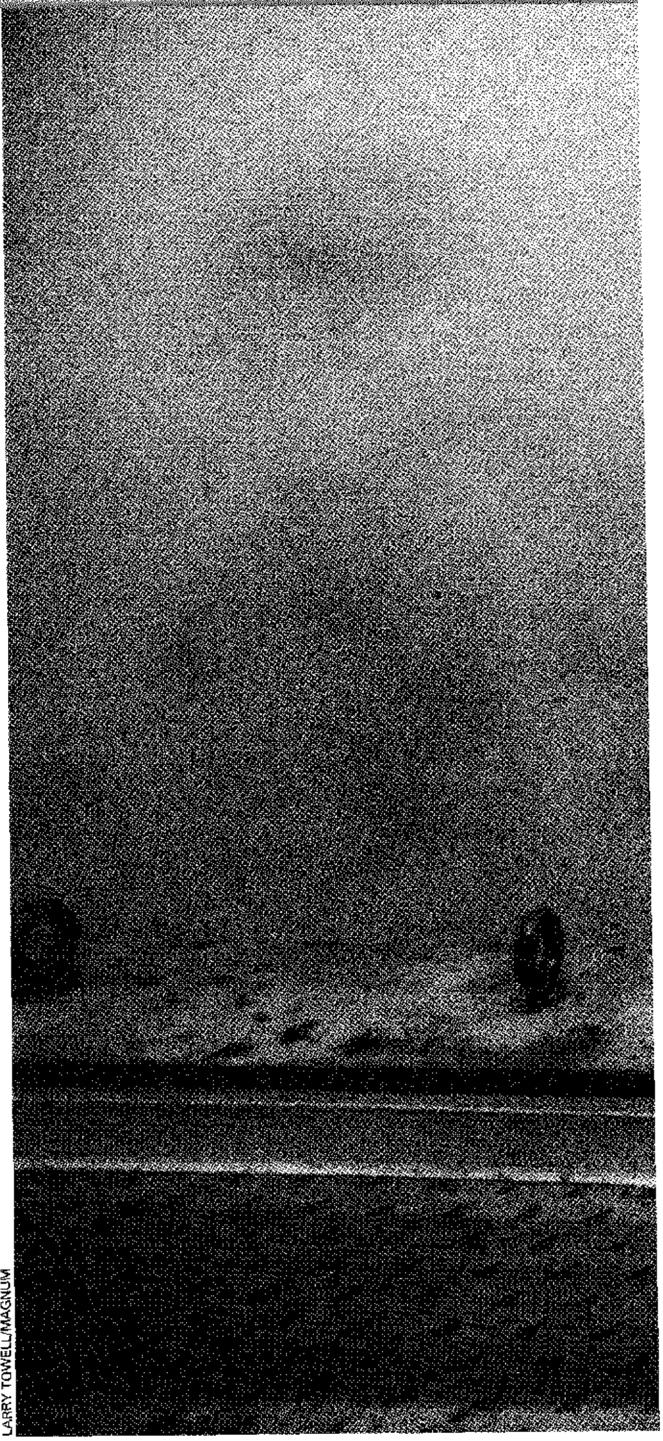
Let me mention half a dozen ways we can do this. First, Night Lights, a project in Boston, assigns probation officers to ride around in police patrol cars at night. In this way, probation officers actively go out and check up on people on probation instead of waiting in their offices until somebody on probation calls to say that all is going well.

It doesn't take many probation officers to do this: in Boston, only three or four a night. But by driving around in police cars and by being equipped with the special powers that probation officers have because they are dealing with people already adjudicated by the criminal justice system, they can enter spaces and ask questions that police officers ordinarily cannot.

The effect of Night Lights has been to make probationers realize that the eyes of the community are steadily upon them. At any given moment, a probation officer may appear. At any time, you had better have an explanation for why you're not at home or not working.

A second example also comes from Boston. Pioneered by David Kennedy at Harvard's John F. Kennedy School of Government, it is called the Boston Gun Project. Aimed at people in gangs, the project represents a reversal of the conventional thinking that the purpose of society is to prevent gangs from forming or, if they do form, to ensure that people in gangs will do harmless things, like playing midnight basketball. The effect of such interventions has largely been to make the gangs more legitimate in the eyes of young people thinking of joining them.

People join gangs in Boston for the same reason they join gangs in most other large cities. It is not primarily to deal in drugs, though some gangs engage in that. They engage in gang activity because they lack a family structure or because the gang makes life on the street so difficult and so dangerous that unless they join, they lack protection against others.



LARRY TOWELL/MAGNUM

Joining gangs is the norm all over urban America today. The Boston Gun Project said, "We will let gangs continue to exist. Where we will draw the line is whether they commit a violent crime."

In Boston, 1,300 youths accounted for 60 percent of all homicides in recent years. The typical gang member has a one-in-seven chance of being killed during the next ten years. Being in a gang makes life much more dangerous than it was for combat infantrymen in Vietnam, even if it may make it safer than living in the same neighborhoods without being part of a gang.

What the Boston Gun Project does is assemble all the relevant agencies in Boston—police, probation authorities, parole authorities, school authorities, and so on—and then tell gang members that if somebody in their gang commits a homicide, the government will use all its resources to make

These ghostly forms are smudges left by the prisoners chained to this police-station bench.

life miserable for the entire gang. The authorities will serve every warrant, revoke every probation or parole, pull every lever designed to make certain that the gang cannot function. The gang understands that its task is to prevent its members from shooting somebody. As with Night Lights, law enforcement officers don't wait until someone commits a crime to display their authority. They act to prevent crime before it happens. The result of this effort has been a reduction by two-thirds of the number of youth homicides that occurred in Boston during a one-year period. Indeed, for two years no one under the age of 17 was shot in the entire city.

The third strategy: gang injunctions. Gangs are at least as important a part of urban life in California as elsewhere, and gang warfare is one of the reasons the state's homicide rate has been so high. A gang injunction is a civil action brought by a district attorney, who tells a civil court that a gang in a particular community—by sitting in front of citizens' homes, selling drugs, engaging in fights, or harming property—is making life difficult for people who attempt to live there peacefully. The gang is a public nuisance (a well-defined legal category); as such, the law allows its activity to be curbed by a court issuing an injunction.

The injunction states the name of the gang and identifies many of its members by name. It then states all the things members of the gang may not do. They may not wear their gang colors. They may not wear their bandannas. They may not meet in groups larger than three. They may not sell drugs. They may not consume alcohol in public.

The injunction is then served on the gang. Though it is a civil injunction, violations of it can be prosecuted in criminal court. The California Supreme Court has upheld this arrangement, and such injunctions are now in operation in San Jose, Los Angeles, and many other cities. Though this technique may not work to keep rival gangs apart, it does have material value in keeping a single gang from dominating life in an otherwise peaceful neighborhood.

Fourth possibility: drug tests. The majority of people arrested for a crime and confined to jail in any one of our 23 largest cities were on drugs in the preceding 72 hours, as drug tests administered on arrest confirm. Since many drug metabolites stay in the body for only 72 hours, many of those who test negative may have been using drugs in the preceding period.

These people are prosecuted. Some go to jail. In jail we hope they encounter a drug treatment program (although in many jurisdictions they do not).

When they are released from prison, however, and returned to the streets, they are left pretty much on their own. The goal of parole or probation supervision ought to be to get them to enter a drug treatment program in the community. What we know about drug treatment programs can be stated in one sentence: however the program is organized, it works if people stay with it, whether they do so voluntarily or under duress. (See "Yes, Drug Treatment Can Work," Summer 1995.) The problem, just as with Alcoholics Anonymous, is getting people to stay with it.

We should coerce drug users to enter drug treatment programs if they are parolees or probationers in the community. We can require it either by state statute, or else by requiring paroled offenders to sign, as a condition of release, a document that indicates that they are to take regular drug tests in the community.

The difficulty is in administering the test. Tests cannot be administered once a month or in the probation officer's office. They have to be administered more or less on the street, more than once a week. Twice a week would be optimum, once a week the minimum.

Probationers or parolees who have dirty urine face a choice—enter a drug treatment program or return to jail. This, of course, puts large burdens on police and probation officers who have to supervise the drug testing, as well as on those who run drug treatment programs in or out of correctional facilities.

But if we wish to reduce the link between crime and drugs, we can do it only by reducing the demand for drugs. We've had a lot of experience in this country with efforts to reduce the supply of drugs. They have not had much effect. The price of cocaine on the streets today is lower than it was a few years ago, suggesting that the ability of people to move drugs into our country exceeds our capacity to intercept those drugs at the border. Demand reduction is the key. And the people on whom we can operate quite directly to reduce it are those already under the control of the criminal justice system.

Fifth example: gun searches. I suppose if I had been in Congress I might have voted for the Brady Bill, aimed at reducing the supply of guns by controlling sales at the point of purchase. But I wouldn't have had much confidence that it would make a difference: five-sixths of all guns used in crimes are stolen or borrowed. They are not purchased from a federally licensed gun dealer.

We are told that the Brady Law has prevented a large number of felons from buying guns. That is true. What we don't know is whether this prevented a large number of people from killing with guns. I think not.

To be effective, gun searches have to deal with the demand side of the equation. Some people carry guns in places where they should not carry them—in school yards, on street corners where gangs congregate, and in and out of bars and restaurants where like-minded people can be found.

We can reduce the demand for carrying guns in public places, so that fights that once entailed the exchange of punches will now not escalate into nine-millimeter gunfire. We can do this in two ways. One, pioneered by Charleston, South Carolina's famous police chief, Reuben Greenberg, offers a cash payment to anyone who informs the authorities that a person is carrying a gun in a school yard. The police investigate immediately. If they find a gun, they seize it, arrest the person carrying it, and pay the bribe.

This system deters people from carrying guns to school yards for the purpose of strutting their masculinity by flipping open their jackets or pulling up their shirttails to impress their friends with the fact that they are loaded. The more people who are loaded in a school yard, the higher the probability of a fatal accident. These payments make such macho displays risky enough to discourage gun carrying in school.

The other way to deter gun toting is through technology. The National Institute of Justice, led by Jeremy Travis, and the Department of Defense have jointly funded research to develop technology that can identify at a distance a concealed weapon. The aim is to produce millimeter-band radars or infrared cameras that will show not only that someone is concealing a heavy piece of metal but also that it is so clearly a gun that you can tell if it is a revolver or an automatic.

Assuming this technology can be made small enough and cheap enough, the police will be able to use it in public places where gangs hang out or where violence is common. If they see a gun image, they can then ask the suspect if he is carrying a gun and, if so, whether it is licensed. If he is carrying an unlicensed weapon, he is subject to arrest. My guess is that the courts are likely to uphold this procedure as meeting the 1968 test of reasonable suspicion for stopping and frisking someone.

Finally: truancy. Schoolchildren are supposed to be in school or, if not, then home sick in bed watching reruns of *Gilligan's Island*.

We are in a position to make it clear to would-be criminals that the adult population is watching them.

Truant officers, where they exist at all, don't do much good. The police, however, can be effective truant officers by stopping and questioning young people of apparent school age standing on street corners at a time when school is in session. If they cannot show that they have a reasonable excuse for not being in school, then the police should escort them to either their home or the school.

In cities where such truancy enforcement has been practiced, such as Charleston and San Jose, the rate of burglaries in the areas near schools has gone down dramatically.

I mention these six examples to offer a concrete sense of what I mean when I say that we have under-invested in making the criminal justice system quicker. We are in a position to make it clear to would-be criminals that the adult population is watching them, judging them, and swiftly holding them to a higher standard of behavior than what their own opportunistic instincts would endorse. That is likely to change their behavior dramatically. ◆

Homeless Advocates in Outer Space

Heather Mac Donald

In eighteenth-century London, aristocratic elites visited the mad in Bedlam Hospital and called it entertainment. In twentieth-century New York, professional elites visit the mad in the streets and call it homeless outreach. The results in both cases are the same: the objects of attention are left to rot in their own filth, perhaps to lose a limb or two to gangrene, or to die. The intention, however, could not be more different: in modern times, such hands-off treatment shows "sensitivity" and "respect."

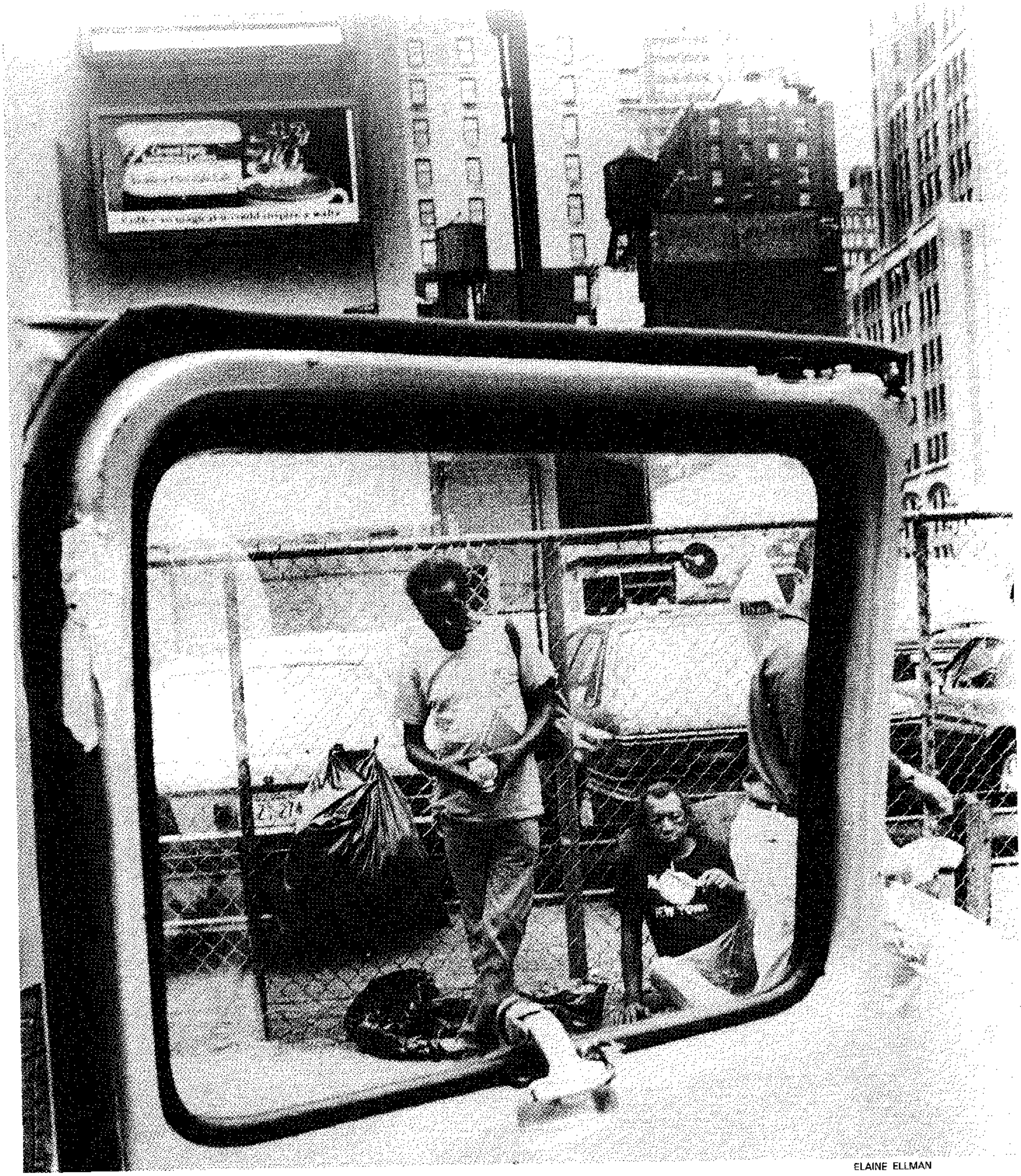
Only by entering the realm of political myth can one understand how such deliberate neglect could constitute professional treatment. Contemporary homeless policy is one of the odder expressions of utopian political fantasy since Rousseau famously denounced society as oppressive and corrupting. For their advocates, the homeless are potent symbols of heroic alienation, concrete embodiments of the advocates' own adolescent longing for rebellion and nonconformity. The plight of the homeless, in the advocates' view, is a searing indictment of American culture. Should the left ever lose interest in dramatizing the Rousseauian myth—an unlikely event—the homeless will disappear, removed to safer abodes.

When a program implementing all their favorite nostrums failed utterly, homeless advocates gathered to discuss the dismaying result. Their response—denial, denial, denial—shows why everyone should tune them out.

A recent homelessness conference in New York City perfectly demonstrated how fanatically the advocates hold on to their myths. Called to discuss the failure of a model outreach program, the conference unwittingly showed instead why the homeless are still on the streets.

The Times Square Business Improvement District (BID), a coalition of business owners dedicated to the revival of New York's famed crossroads, has long prided itself on its generous homeless programs, aimed at getting derelicts off the district's streets. From 1992 to 1994, the BID funded an outreach program designed to coax the local homeless into temporary and permanent housing. The payoff was meager: some 200 long-term homeless, according to program estimates, remained on the streets around Times Square, impervious to the efforts of the outreach workers.

So in 1994 the BID decided to up the ante. It procured over $2.5 million in state and federal money to create what it and its government funders touted as a highly innovative homeless program. Under the plan, a brigade of gentle, well-meaning professionals from six local social-service agencies would roam the streets 16



ELAINE ELLMAN

hours a day, spending an unlimited amount of time with their "clients" in their natural habitat. The outreach workers would try ever so delicately to persuade the homeless to visit the BID's renovated "respite center," located in the basement of a Times Square church, where they could get overnight shelter, showers, healthy meals, clothing, and medical attention—with no strings attached. For example, if a client wanted to booze on the streets during the day, that was fine, at least for his initial visits. Or if he wanted just to hang out and watch television, that was fine, too. On-site social workers would ensure that he was in receipt of every welfare benefit to which he was entitled, with nothing demanded in return.

If a client ultimately entered and completed detox, the center would require him to refrain from using drugs or alcohol and to attend group therapy sessions run by on-site psychiatrists and social workers. Ultimately, the BID hoped, the center's longer-term clients would deign to accept government-subsidized housing, lined up by the center's staff.

What was supposedly innovative in this utterly conventional program? The same people in the outreach teams would also work in the respite center, allegedly providing continuity and building trust with the homeless. In the hermetic world of homeless practice, such minor tinkering passes for radical rethinking.

One year and $700,000 later, only two people had accepted housing. The rest had staunchly balked. This remarkable result was certainly not for lack of trying. Over the year, the outreach workers had made 1,511 "contacts" with 206 individuals (only a handful of whom, it turned out, actually called Times Square home; the advocates and outreach workers' original estimate of the local homeless population had proved, as usual, to be wildly excessive). Those 1,511 contacts were seemingly more meaningful to the outreach workers than to the homeless: only 37 of the 206 contacted individuals agreed even to visit the BID's respite center, while a mere 15 condescended to stay overnight. The homeless, it appeared, did not really want housing, housing, housing.

To its enormous credit, the BID decided to publish a report on the year's efforts. This document, "To Reach the Homeless," written by Columbia journalism professor Bruce Porter, is a jaw-dropping account of state-of-the-art homeless rehabilitation techniques. Unprecedented in its honesty, it provides a rare window into the mad futility of the homelessness outreach profession. In the battle of wits between the wily homeless and guileless outreach workers, it's no contest, for the outreach workers will not infringe on the "autonomy" of the homeless, while the homeless feel no corresponding scruple.

As recounted in "To Reach the Homeless," a typical day of outreach resembles a Dantean pilgrimage through the underworld. One day, for example, outreach workers stop by a coffin-sized box across from the New York Times building. "We know it's a person," reports Porter, "because we can discern a hand moving underneath some rags." The workers knock on the box and say hello but get no response. Because the hand is still moving, though, the team concludes that whatever it is attached to must be okay, so they move on.

They next come across "Shoeshine Bill," "an old man with a shoeshine kit and markedly swollen ankles who is sitting in a puddle of his urine." Shoeshine Bill assures the workers that he is doing "fine," so they move on. An old black woman is raving unintelligibly about drugs in Harlem. She's "not very open to help," says an outreach worker. A young white couple lying on the street banter off a suggestion that they visit the respite center; they'll go, jokes the gaunt male, "only if they could get a private room for an hour with a bed." The woman has deteriorated markedly from alcoholism over the previous months. The outreach worker drops a few condoms on their blanket and moves on.

Some of the homeless demonstrate admirable energy and persistence in avoiding the outreach workers' ministrations. "Heavy," a large black man who reigns, according to the report, as the "undisputed king" of Times Square, is one such vagrant. Heavy is highly visible: "[H]e is invariably dressed in a dark green jump suit, two or three canvas Post Office mail carts nearby heaped six feet high with his stuff—filthy quilts, dirty towels and plastic bags packed with plastic bottles, broken broom handles presumably used for defense, a half-dozen milk crates filled with wastepaper and tied on with bits of nylon rope, gallon ketchup bottles, some of the sauce still sloshing around the bottom. Sprouting up out of the pile is an eight-foot-tall iron pipe that is tied with long orange streamers fluttering in the wind."

Fortunately for Heavy, the outreach workers are also highly visible. Whenever he spots their bright red jackets approaching, he wedges himself behind a fence or other barricade, "prepared to resist the service providers at all costs." One time, the team tried to capture him with a pincer movement, but he dashed into traffic and nearly got hit. "After that, we seriously had to ask ourselves what exactly we were accomplishing by this," recalls the director of the program. Sadly, the workers' doubts were fleeting.

Other street residents avoid the outreach workers out of embarrassment. As an outreach team chats with three vagrants sharing a jumbo bottle of beer in a hotel garage, a 63-year-old man named Charlie hides nearby in back of a refrigerator. The workers have taken him to detox four times, and now he's ashamed to face them. The team leader is philosophical: "[H]e's smelling pretty bad these days, so we'll probably be hearing from Charlie soon. He usually comes in to take a shower when he gets that way."

Such repeated efforts are the norm. A lost soul from Rochester named Toni relies on the seemingly inexhaustible trust of the workers to avoid going to alcohol detox. The workers have given her subway fare to the treatment center, as well as fare home, many times, but each time she either never gets on the subway or gets off a few stops down and returns to her haunts. Toni's reception upon her return is not always gracious. "Last night I got the shit beat out of me, right here," she tells the workers. "Dutch did it. He's crazy. He hit me for no reason, just popped me in the face, no reason." The workers try to draw a moral from the situation: "You realize if you got out of detox and went home, this might not have happened?" they ask her. Toni halfheartedly assents to this proposition, so the workers once again give her fare to a detox center on Staten Island and see her on to the train. As usual, their homily vanished into thin air: one stop down the line, she got off and went straight back to Times Square.

Nothing, however, compares to the difficulty of enticing the homeless into housing. Time after time, a client deemed "housing-ready" will balk at the threshold of his new abode and plunge back into the most squalid street life. Only a few vagrants even get that close; most keep themselves safely removed from the housing process. The respite center's staff, faced with their meager record of accomplishment, have defined success down, to adapt Senator Moynihan's resonant phrase. The fact that the homeless sometimes return to the outreach center to "reveal how screwed up they've become" shows that the "staff has affected them in some positive way," the report concludes wanly.

The charity our society showers upon people living on the street makes possible this hardy resistance to seeking help. In true New York fashion, even vagrants can get home-delivered food: a do-gooder group from Dobbs Ferry called Midnight Run makes regular deliveries of sandwiches and juice, along with toiletries and blankets, right to people's cardboard boxes. The homeless know the hours and locations of every local soup kitchen, and the more enterprising work out deals for other personal needs. One older alcoholic would throw away a new pair of underwear every couple of days, secure in the knowledge that Midnight Run would soon bring another pair. Other homeless use more unorthodox approaches to street survival. When it gets cold, recounts a scraggly vagrant, "I smash a window with a brick and go to jail. I get along fine in jail."

Yet though no one is going hungry on the streets, vagrants' bodies often are disintegrating from a host of untreated maladies. Alcoholics lose toes, feet, and legs to infections they haven't even noticed. Workers at the BID's respite center work heroically to secure treatment for their clients, but the clients often disappear right before a scheduled operation. No one, of course, has the right to make them stay.

The costs of this charade to the larger society are enormous, too. To take only one example, Amtrak loses $11 million a year at Penn Station, just south of Times Square, because the homeless drive potential passengers away, according to Richard Rubel, community relations officer at Amtrak. And the repeated trips the homeless make to hospital emergency rooms for thoroughly avoidable medical crises also ring up a hefty public tab, as do their resultant disability benefits.

"To Reach the Homeless" proves beyond a shadow of a doubt that the homeless are not on the street because they can't find housing: desperate to give away subsidized apartments, the BID found almost no takers. Clearly, most vagrants prefer the streets to the responsibilities of a housed existence. Some may simply refuse to play by society's rules, like many hoboes of old; for others, speculates the respite center's director, housing may represent a scary reencounter with whatever psychological demons drove them to the streets in the first place.

But although the homeless may prefer the streets, that is not why they are still there. They are there because the advocates need them to be there. Should society finally decide to end street vagrancy, it could go far in that direction by facilitating commitment to mental hospitals (see "Let's Stop Being Nutty About the Mentally Ill," Summer 1997) and enforcing existing laws against street living. Though the average householder would surely welcome such a change, the average householder has no say in these matters; a vocal minority purporting to represent the interests of the homeless governs homeless policy. And those advocates, who range from single-issue advocacy groups to the ACLU to left-wing churches, fiercely resist any measure that would restrict the "rights" of the homeless to live on the streets.

They do so not just out of material interests—though many of them make a comfortable living off of homelessness—but out of a spiritual need. Homelessness confirms for the advocates their dearest beliefs: that American capitalism is corrupt and cruel, that the American Dream is a delusion, that American society deals harshly with its rebels and nonconformists. Remove the homeless from the streets, and Exhibit A in the advocates' brief against America also disappears. Even the outreach workers on the front lines, who would say that their fondest wish is to house the homeless, nevertheless reflexively take for granted a definition of autonomy suffused with left-wing romanticism and at odds with the best interests of the homeless.

The advocates' ideology has rarely been as visible as at a conference on homelessness that the Times Square BID organized last April. Provoked by the sorry results of its outreach program, the BID brought together some of the country's leading self-styled homeless experts for a good-faith discussion of the question, "What Do We Do When Homeless People Say 'No'?" What it got instead was an amazing and instructive display of deliberate duplicity and invincible self-righteousness. The advocates simply chose to ignore the BID's outreach program; wholly impervious to the facts, they brought with them instead their stock stories about housing shortages, a heartless society, and noble, helpless suffering. Their performance demonstrated why homeless policy has been so counterproductive.

Jack Coleman, former president of Haverford College and of the left-leaning Edna McConnell Clark Foundation, immediately set the tone of maudlin virtue. Coleman won acclaim in 1983 for living as a "street person" in New York City for ten days, an experience he wrote up as a cover story for *New York* magazine. The adventure was certainly a sociological "first": Coleman was undoubtedly the first "homeless" person to take a professional photographer on his rounds through soup kitchens and shelters to capture his every moment of despair—Coleman sitting next to a steam grate with forehead resting on fist, eyes closed, and face grimacing from fatigue and cold; Coleman gazing off pensively at a cheap diner; Coleman wolfing down his food in a shelter, surrounded by derelicts; Coleman staring hopelessly at the job listings in a minimum-wage employment agency (undoubtedly none called for his unique talents as a progressive foundation executive).

Now he once again put himself on display. He recounted his first moment back home after his "homeless" experience: he drew a hot tub, lay down in it, and started to cry. And lo! the tears began again, for everyone in the audience to behold. How many times Coleman had told this story to similar effect was anyone's guess, but it would prove a harbinger: if his tears spread Rousseauian "sentiment" throughout the conference, the subsequent speakers would suffuse it with Rousseauian self-righteousness. Before he left the podium, Coleman shared one further confession with us: he couldn't *really* lay claim to the full homeless experience, because he had always had change in his pocket with which to call his editor at *New York*! We the privileged can never really bridge the unfathomable gulf between ourselves and the homeless!

After Coleman's four-handkerchief histrionics, the next piece of drivel hit all the more painfully. It is our society's "intolerance of weakness and of the inability to compete in a free market" that causes homelessness, announced Mary Ann Gleason, an ex-nun who now heads the Washington-based National Coalition for the Homeless. If we were a gentler, more communal society, the implication seemed to be, the homeless would embrace our free housing. Yet the problem, in Gleason's view, transcends economics. It is spiritual. The reason the homeless don't come in off the streets, Gleason averred, is that "they don't have meaning in their lives." Translation: *we* don't have meaning in our lives, and until we get some, the homeless will maintain their lonely outpost on the streets, "the only community they can find." (The fact that this "community" sometimes beats up its own members, as the detox-avoiding Toni discovered, did not seem to detract from its soul-enriching value, in Gleason's eyes.) Gleason especially admired the Europeans for having labeled the homeless the "socially excluded"—though she never explained why, given this progressive diagnosis, the Europeans haven't solved the problem by "including" the homeless.

With the homeless thus transmuted into Romantic critics of soulless modern life, the remaining speakers had their theme. Dr. William Vicic, a "community medicine" specialist at St. Vincent's Hospital and author of a book entitled *Memory of a Homeless Man*, turned the title of the conference, "What Do We Do When Homeless People Say 'No'?" upon itself. "Is 'No' from the homeless an answer," he asked dramatically, "or an echo of us and the society we maintain?" In truth, he implied, it is we who say "No" to the homeless, not they to us. That we may have some rational grounds for saying "No" to substance abuse, criminal behavior, chronic irresponsibility, and inability to follow rules did not register with Vicic; through his Rousseauian spectacles, he seems to see only enslavement and oppression in society's rules.

Like Gleason, Vicic identified the roots of homelessness not in the dysfunctions of the homeless but in the closed-mindedness of the housed: "Separatism causes a lot of our problems," he said darkly. As a response to the events that precipitated the conference, Vicic's diagnosis seemed all the sillier. It's hard to imagine a *less* "separatist" program than the Times Square outreach and housing project: it sought to include the homeless on their own terms, without imposing conventional social rules on them. Yet even such unconditional inclusiveness could not overcome the determination of the homeless to stay homeless.

The most vacuous variation on the "Homeless Saying 'No'" theme came from the Reverend James A. Forbes Jr., pastor at the nation's premier left-wing house of worship, Manhattan's Riverside Church. "We should value the one gift the homeless bring," Forbes admonished the audience—"the ability to say 'No.'" Forbes provided no clue as to how one "values" such a gift; he just reiterated his motif. The "ability to say 'No' is a strength," he said, adding that the burden was on us to figure out what the homeless are saying "No" to. One couldn't help wondering, if saying "No" is a strength, why the homeless are so beset by illness and fear. One wondered, too, if Forbes also celebrates as a gift the big "No" that criminals say to the law.

With excruciating predictability, Forbes went on to accuse society of a lack of compassion. This note rang particularly false in the most generous welfare city in the country, especially in the wake of a $2.5 million effort to house a handful of homeless people. Though money is a dubious measure of compassion, to be sure, it is the measure Forbes clearly had in mind.

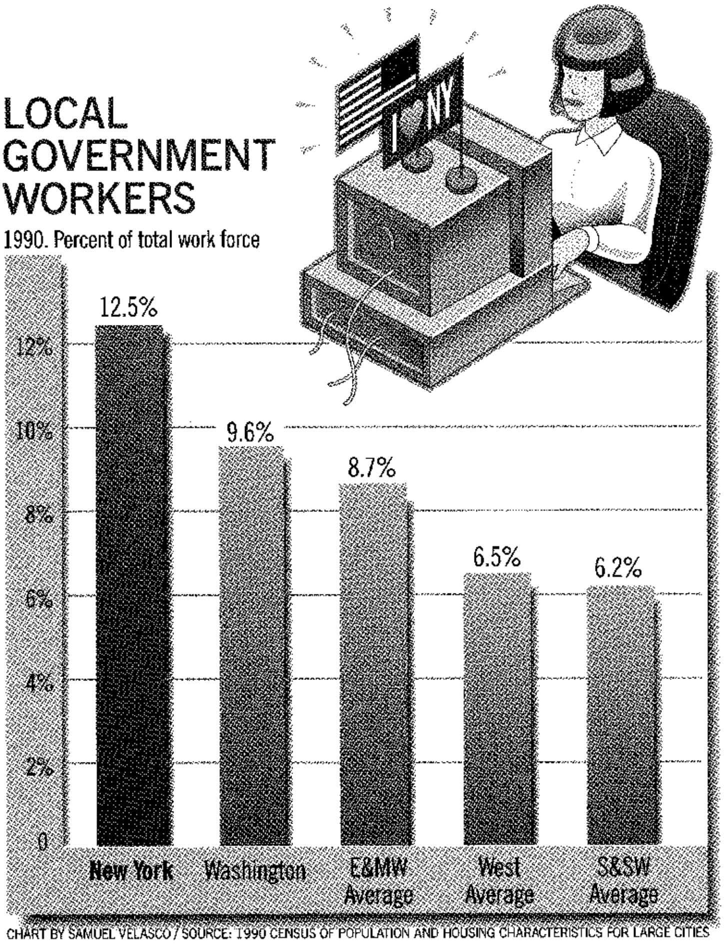
Another speaker, Tena Frank, director of homeless services at Lenox Hill Neighborhood House, seemed to float far above the earth on a cloud of moral relativism. Our mainstream value systems regarding work and discipline, she explained, are just the way "*we* get *our* needs met"—exactly as the homeless get their needs met by using drugs. Our failure to see the similarity "allows us to blame the homeless," she concluded.

The only advocate to avoid romanticizing the homeless chose instead a bald-faced lie. Maria Foscarinis, director of the National Law Center on Homelessness and Poverty, is one of the shrillest advocates around. She lobbied tirelessly for the 1987 Stewart B. McKinney Homeless Assistance Act, a federal cash spigot that falsely identifies homelessness as a housing problem, and she wages a regular campaign in court and in the press on behalf of homeless "rights." At the conference, Foscarinis demonstrated the rhetorical techniques that have made her so successful. Cities have no right to enforce laws outlawing camping or urinating in public, she asserted, because the homeless are "people who literally have no place left to go." This was, without doubt, the most outrageous claim of the day. The very impetus for the conference was the fact that the Times Square homeless *did* have someplace to go but spurned the offer. Foscarinis, however, simply ignored that fact. Equally beneath her notice were the millions of public dollars dedicated solely to the small colony befouling Times Square. "The resources are not there," she announced grimly, "to provide an alternative place to sleep or eat." Again, a lie.

Such duplicity should disqualify its practitioners forevermore from having the slightest voice in determining policy. It hardly needs saying that the homeless are not lonely beacons of courage, taking their stand against a hypocritical world, but demoralized or broken creatures, fearful of the demands of adult life. Enslaved by their inner demons or the substances they abuse, they are the least likely to benefit from the sphere of absolute license their advocates have carved out for them. Yet self-serving fictions like those rampant at the Times Square conference have guided homelessness policy from the start, because few are willing to challenge the moral bullying of the advocates. The consequences for the purported beneficiaries have been dire.

A sane homeless policy would acknowledge two basic realities. First, many people on the streets need treatment, not housing. For the sickest, legislators need to change rules against involuntary confinement, and states need to recommission mental hospitals emptied by deinstitutionalization. Second, for the rest of the homeless the best medicine is the expectation of responsible behavior—the expectation of work and of civil and lawful conduct in public spaces. (See "*Who* Says the Homeless Should Work?" Summer 1997.) Accordingly, opinion leaders, from politicians to ministers, should decry all types of no-strings-attached handouts, such as no-demand soup kitchens and indiscriminate alms-giving to beggars, which simply subsidize self-destructive behavior. They should oppose allowing the homeless to turn public spaces into hobo encampments. Effective charity asks for reciprocity from the recipient, building patterns of work and discipline; to exempt the homeless from the rules that everyone else lives by infantilizes them permanently.

The advocates, clouded by ideology, may see the homeless as martyrs to American injustice or as free spirits marching to a different drummer, but by now most of the rest of us see them as disordered or confused souls who, for more than a decade, thanks to advocate-designed policies, have been marching to disaster. ●



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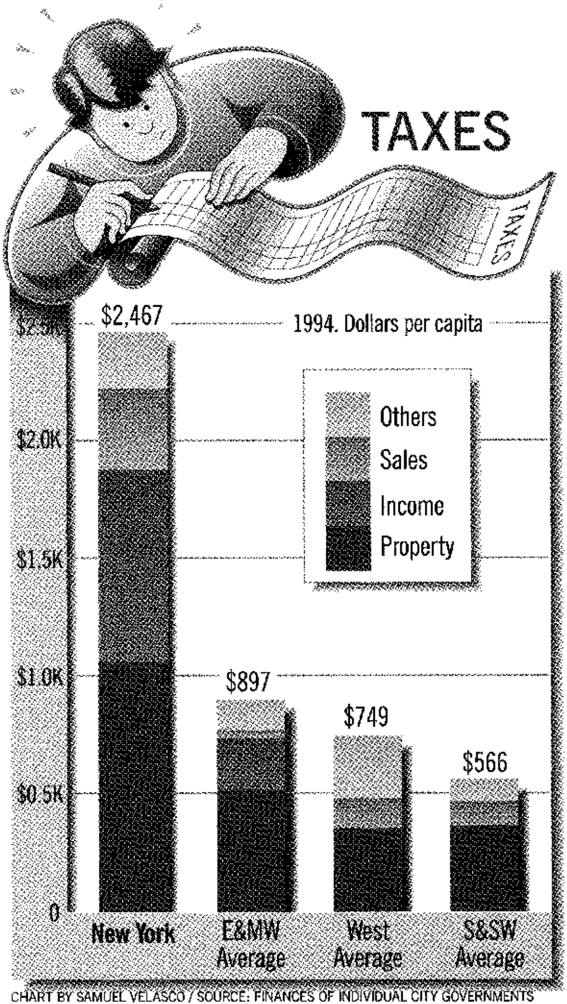


CHART BY SAMUEL VELASCO / SOURCE: FINANCES OF INDIVIDUAL CITY GOVERNMENTS HAVING 500,000 POPULATION OR MORE, 1993-94 / FINANCES OF INDIVIDUAL COUNTY GOVERNMENTS HAVING 1,000,000 POPULATION OR MORE, 1993-94

New York's Million Missing Jobs

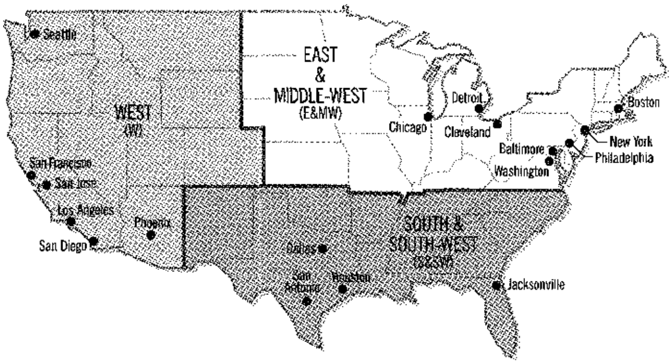
Steven G. Craig and D. Andrew Austin

Here are the hard data on how Gotham's killer taxes and paltry public services have driven employment out of town.

Notoriously, New York City's budget gives its taxpayers just about the worst deal in urban America. Not only do they pay startlingly high levies to fund it, but they also receive skimpy benefits from it in terms of the services that make urban life comfortable and convenient. Less visibly, the swollen budget, tumor-like, saps the city's economic health, depressing job growth, driving businesses away, and preventing the city from enjoying the expansive prosperity that buoys up much of the rest of the nation. The more money New York taxpayers spend, the less of a future do they seem to buy.

In outline, this tale is familiar enough, no doubt, if little regarded. Our goal here is to document and quantify these facts in dra-

Illustrations and graphs by Samuel Velasco

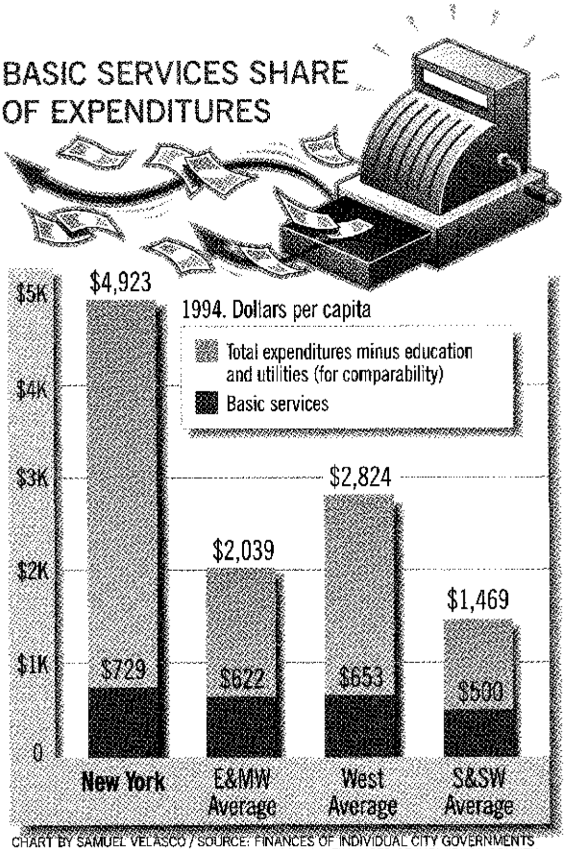


matically concrete detail. Perhaps if New Yorkers can see graphically just how grotesquely out of whack municipal spending has come to be, how little of value it buys, and how catastrophic is the harm it inflicts on the city, they will summon the political resolve to change it. Doing nothing isn't a viable option: as our data suggest, this state of affairs can't endure forever. New jobs, proliferating in the other major U.S. urban centers, are not springing up in New York, which bodes ill for the city's long-term ability to sustain its bloated public sector.

New York's public sector is vastly larger than the public sector anywhere else. It employs a higher share of the workforce than in any other big U.S. city. Fully one in eight employed New Yorkers works for the local government, and an additional 3.4 percent of the city's labor force is in the social services sector, primarily funded by the city, bringing the total up to over 15 percent. By contrast, city workers account for only 8.7 percent of the average eastern big city's workforce and only 9.6 percent even of patronage-ridden Washington's. To pay the wages and unusually generous benefits of this vast army, and to cover the checks that so many public servants hand out to vendors and clients of every description, the residents of New York pay stupendous taxes. In their most whimsical moments, Gothamites take a perverse pride in being the most heavily taxed urban population outside Washington, D.C. How gargantuan is New York's public sector? To find out, we compared the budgets of 18 of the largest U.S. cities (those with populations exceeding 500,000, in counties with populations exceeding 1 million) with the New York City budget. We also broke our comparison down into three geographic areas: eastern and midwestern cities (E&MW), southern and southwestern cities (S&SW), and cities of the West. The E&MW cities are most comparable with New York, with similar demographics and economic histories, shaped by similar changes in technology and industrial structure. The newer and quite different West and S&SW cities offer an instructive comparison, too, for they present a powerful source of competition for jobs and residents.

Finding comparable numbers on these matters is not easy or straightforward, and we have scrupulously tried to compare like with like. For those who take an interest in such things, this paragraph explains what we did. Because New York combines functions of both city and county government, you can't just compare New York's spending on hospitals with Chicago's, say, or Los Angeles's, because Cook County and L.A. County pay for that item, not the cities themselves. Therefore, we combine the per-capita levels of city and county governments for our 18 comparison examples (since in those areas the county per-capita expenses apply largely to the city). We also use county numbers for employment (since that is how they are available) and population (so that we can calculate meaningful employment-to-population ratios). The seven E&MW comparison cities are Baltimore, Boston, Chicago, Cleveland, Detroit, Indianapolis, and Philadelphia. For the West, the cities are Phoenix, Seattle, San Diego, Los Angeles, San Jose, and San Francisco. The S&SW cities are Jacksonville, San Antonio, Dallas, and Houston. We also include, in a category all its own, Washington, D.C. Our regional averages are simple averages across cities, rather than population-weighted averages. The fiscal data we examine are from 1994, the demographic data from the population census conducted in 1990—the latest comparable numbers available. (Detailed city-by-city tables are on *City Journal*'s website: www.city-journal.org.)

First look at New Yorkers' comparative tax burden. Gothamites paid $2,467 per person in city



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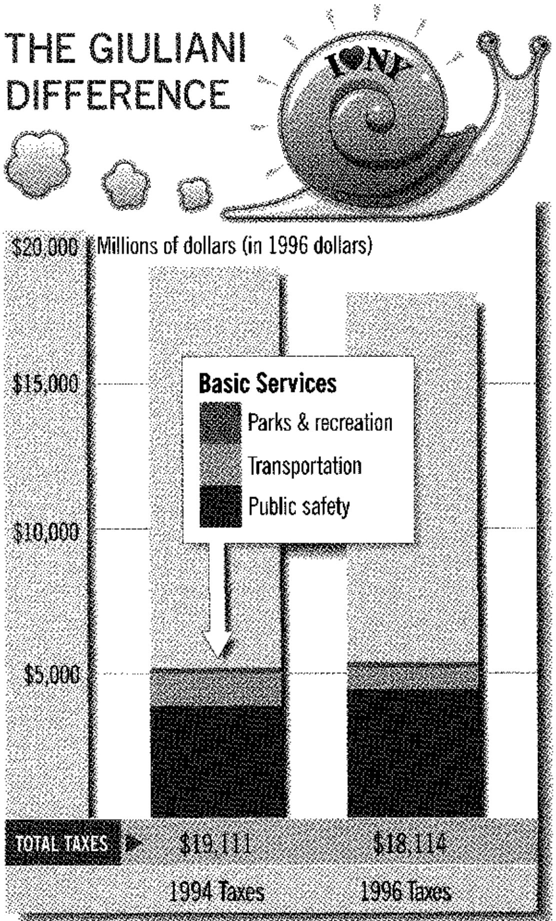


CHART BY SAMUEL VELASCO / SOURCE: COMPREHENSIVE ANNUAL FINANCIAL REPORT OF THE COMPTROLLER, 1994 AND 1996

taxes during 1994—which means that for every $8 in income, they shipped almost $1 off to City Hall. Only Washington, D.C., burdens its residents more, with crushing taxes of $4,405 per capita. San Franciscans shoulder the next-highest tax burden after New Yorkers, but the $1,286 they pay is barely one-half the New York level. As the chart on page 43 shows, the tax level in New York is 2.75 times the average level of the E&MW comparison group, 3.3 times the level in the West, and a mind-boggling 4.36 times the level of the rising cities in the S&SW.

Of course, local taxes constitute only about 40.6 percent of New York City's total revenue, while grants from the state and federal government account for another 35.2 percent of it, and charges and other sources make up the remainder. When you add it all together, New York's total budget amounts to $6,682 per capita—2.4 times the E&MW, 2.1 times the West, and 2.97 times the S&SW.

One signal that the level of taxation is too high in New York is the extent to which the city strip-mines virtually every known revenue source. Only six cities out of 18 have city income taxes, and three of these half-dozen do not have sales taxes. Thus, the only four cities using all major sources of tax revenue are Washington, D.C. (the highest tax burden), New York (the second highest), Philadelphia (fifth), and Cleveland (sixth)—not a very prepossessing comparison group for the financial capital of the world. Three of these cities have been on the brink of bankruptcy sometime during the past 25 years, including New York; the fourth, Washington, D.C., isn't currently fit to govern itself, according to Congress. (See "How the G.O.P. Can Make D.C. OK" on page 59.)

The trend over time is not all that encouraging, either. Excluding education, since 1986 the city's expenditure has grown at a 2.3 percent annual rate in real terms (even faster when education is included), on top of the 3.85 percent annual growth due to inflation. Thus, not only is the public sector large, it is taking an ever-larger share of the income of New York taxpayers.

In an Autumn 1991 *City Journal* article ("Where the Money Goes"), one of us, Steven Craig, first detailed the disproportionate size of New York's budget and pointed out a further disturbing anomaly in New York's spending compared with that of other big cities. As the article showed, much of the city's spending didn't go to the basic services that most city residents use. Instead, vast sums flowed out to a multitude of activities most other cities don't perform. Consequently, the ordinary New Yorker faced a considerable fiscal deficit, meaning that the services government returned to him were worth far less than the tax cost to him. The fiscal deficit facing the average New York taxpayer, we find, remains dismayingly large in 1994—and in 1996 as well, though, as we'll show below, matters improved a bit in the intervening two years.

By the basic service budget, we mean expenditures on the core services cities traditionally provide, including police, fire, corrections, transportation, parks, and education (we have excluded utilities because, though New York City provides water to its residents, it provides neither gas nor electricity, as some other cities do). To compare New York with other big cities, we have had to subtract education, since in most localities, unlike New York, it is provided neither by the city nor the county government but by separate school districts. New York's expenditures on these basic services are $729 per person ($1,784 including education). This is 17 percent higher than the E&MW average of $622 and comparably higher than the other regional averages in our sample.

New Yorkers are receiving only one-half the return on their tax dollars than the residents of a typical city in the region do.

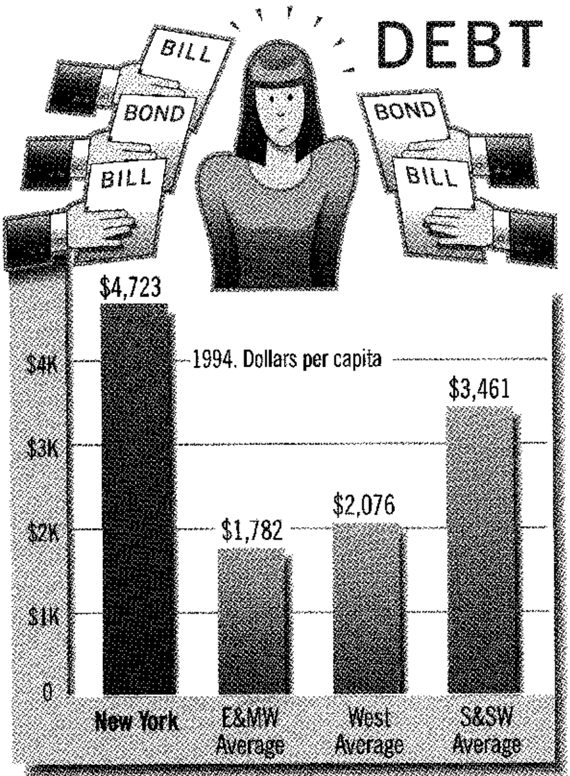
But spending on basic services is nowhere near the stratospheric heights of the overall budget—17 percent higher is a far cry from the 110 percent to 197 percent by which the total New York budget exceeds the total average budgets of the comparison cities. Since basic spending is so much smaller a share of the budget in New York than elsewhere, the average resident is getting a much smaller return for his tax payment than he would in other large cities.

New York's basic service budget is only 14.8 percent of the total budget (after subtracting utilities and education for comparability), compared with 30.5 percent for the average city in the E&MW. Thus, New Yorkers are receiving only one-half the return on their tax dollars than the residents of a typical city in the region do. Even Washington, D.C., which has a public sector in much worse fiscal shape, is able to eke out 20.1 percent of its budget for basic services—though, of course, Washington's deplorable services remind us that expenditures do not necessarily equal quality. Still, New York would have to be twice as efficient as the average big city to equal the basic service level provided elsewhere—which is very far from the case.

If New York spends so little of its city budget on basic services, where is the bulk of the money going? Answer: to low-income assistance, to debt service, and to a host of activities that are not the usual province of city governments.

New York spends more than ten times as much per capita as the average E&MW city—and 58.5 times as much as the S&SW average—on low-income assistance, which comprises social services, hospitals and health, and housing. The difference between New York and cities in the West is less dramatic—because, like New York, California cities have significant local responsibility for welfare—but it is still more than 100 percent larger. New York's hospital spending is an astronomical $488 per capita, 312 percent more than cities in the E&MW, 214 percent more than the West, and 404 percent more than the S&SW. Similarly, public housing expenditures in New York amount to $349 per capita—over 350 percent of the level of spending in any other region in the country.

True, high levels of state and federal aid partially fund many of these low-income assistance programs. The total cost of these programs is



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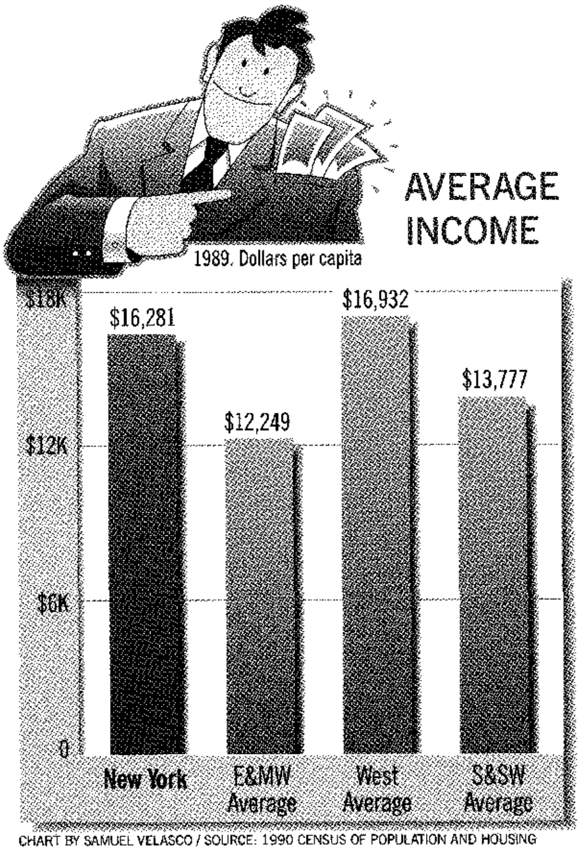

CHART BY SAMUEL VELASCO / SOURCE: 1990 CENSUS OF POPULATION AND HOUSING CHARACTERISTICS FOR LARGE CITIES

$1,959 per capita, but state and federal aid lighten the net burden to New York's taxpayers to "only" $918 per person. Other cities benefit from these aid programs, too, of course. Subtracting out state and federal aid, the city faces an enormous net burden relative to other cities: the local taxpayer must pay 358 percent more for–income assistance than taxpayers in other E&MW cities, almost double what those in the West pay, and six times the level of those in the S&SW. And since the city is not getting back from Albany any more than Gothamites are paying in state taxes, in a very real sense state aid dollars are coming entirely out of city taxpayers' pockets, too.

New York spends a similarly disproportionate $494 per capita on "expenditures not elsewhere classified," a grab bag of goods and services completely outside the expenditure pattern for typical local governments—everything from crime-victim compensation to services to senior citizens who are not poor. The typical city in the E&MW spends only $180 per capita on this category, or just over one-third the amount spent in New York. Other cities spend even less: $112 in the West and a thrifty $73 in the S&SW.

Our comparative fiscal data come from fiscal year 1994, the last under Mayor David Dinkins's budgetary control. How have things changed with Mayor Giuliani in City Hall? Though we don't have the data to compare New York with other cities during the Giuliani administration, we can compare New York's 1996 tax and expenditure patterns with those of 1994. The following discussion, however, pertains only to the city's "on budget" expenditures, amounting to about three-quarters of the total. New York accounts for many big-ticket agencies, including housing and hospitals, elsewhere.

Overall, the picture is slightly improved. In nominal dollars, total taxes in New York were about constant in 1996 compared with 1994, indicating a drop in real terms (that is, after accounting for inflation) of some 5.2 percent—a modest amount but still a change in the right direction at least. Again in real terms, total revenue to the city fell slightly less, by 3 percent, because increases in state and federal aid offset the tax reductions.

But as the chart on page 45 shows, if total taxes haven't dropped much, the profile of what those dollars buy the taxpayer has improved. Spending on basic services has increased, mainly because police spending went up by 26.5 percent. With the murder rate down by over 60 percent and New Yorkers feeling that their city has a new lease on life as a result, at least some of these dollars appear to have provided a return to taxpayers. Fire department expenditures rose 8.3 percent, perhaps accounting in part for the fall in fire-related deaths to their lowest point in 37 years in 1996.

Social services expenditures fell by 1.6 percent in 1996 from 1994, or 6.7 percent in real terms. But by the end of the 1996 fiscal year on June 30, New York's highly successful welfare reforms had only recently really gotten under way: between March 1995 and June 1997 the city cut 280,000 recipients from its welfare rolls, representing meaningful future savings.

Worryingly, debt service expenditures grew 4.9 percent from 1994. Our comparison data show New York taking on debt as if it were building its infrastructure anew—which it clearly is not. Incredibly, New York has per-capita debt service expenditures 14 percent higher than the young and rapidly expanding cities of the S&SW, which you'd expect to have high debt and debt service levels, even though Gotham's population has not yet returned to its 1980 (or even its 1940) level. Compared with older cities, New York spent 2.3 times what the typical E&MW city paid for debt service per capita in 1994. Given the maturity of New York's economy and of its infrastructure, the $4,723 per capita of net general debt that weighs down New York taxpayers is tough to justify.

At the very upper end of the income distribution, New York sparkles; no city has a higher combination of share and level of wealth.

In a similar vein, pension contributions by the city ballooned 6.5 percent in 1996 from a 1994 base that was already over twice the level of the average E&MW city. Fattened pensions are one method the city has long used to shower more money on city employees without resorting to an immediate tax hike to pay for them. Some of these bills from the past are coming due.

New York, it is often said, is unique: so it's natural to ask whether, in comparison with the other major U.S. cities, its demographic and economic characteristics are special in ways that might justify its huge public sector and out-of-kilter budget. We again look at our 18 comparison cities, although for this comparison the data come from the 1990 population census (which contains income data from 1989). Relative income and demographic changes are fairly slow, however, so we believe the relative comparison is valid despite movements in the levels. Even though several comparisons show New York as unusual, the short answer is no, New York isn't different enough from other cities to require its unique spending level.

New York is a rich city, with per-capita income of $16,291, fully 33 percent greater than the E&MW average. Nonetheless, the average income level is not quite as high as in the typical city in the West. Further, if we took out the West's last-ranked Phoenix, New York's per-capita income would be only 93 percent of income in the West. Yet at the very upper end of the income distribution, New York sparkles; no city has a higher combination of share and level of wealth. For example, 1.88 percent of Gotham's families have income greater than $150,000, considerably above the E&MW rate of only 0.67 percent and even above the 1.72 percent rate in the millionaire-studded West. The rich in New York are richer as well, since the average income of the 1.88 percent of families with incomes above $150,000 is $300,048. This is greater than all the western cities and lags only Baltimore (with $315,000) and Cleveland (with $312,000), which have far fewer such families (0.77 percent and 0.15 percent, respectively).

To be sure, because the city is well endowed on the upper end, it can arguably afford a larger public sector than elsewhere. Slightly larger. If taxes were proportional to income, New York's taxes could be as

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Research for this article was supported by the Brunie Fund for New York Journalism.

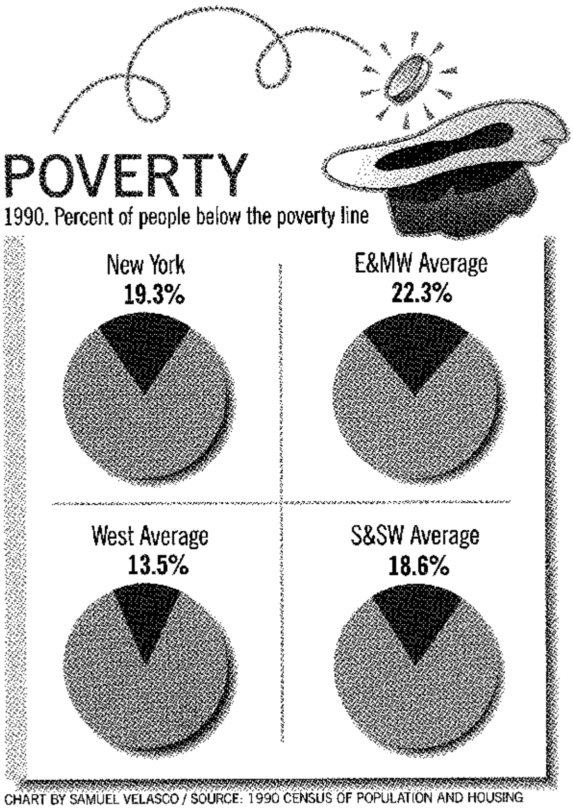


CHART BY SAMUEL VELASCO / SOURCE: 1990 CENSUS OF POPULATION AND HOUSING CHARACTERISTICS FOR LARGE CITIES

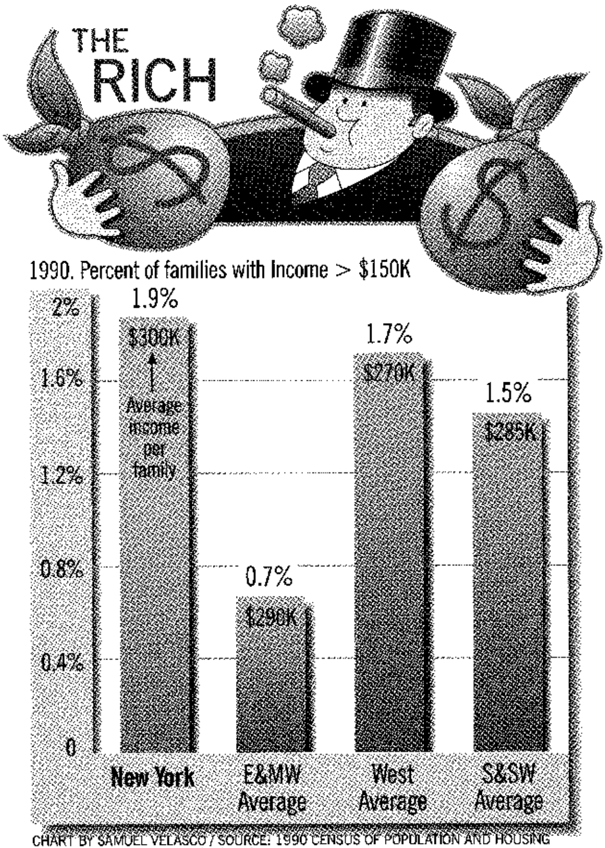


CHART BY SAMUEL VELASCO / SOURCE: 1990 CENSUS OF POPULATION AND HOUSING CHARACTERISTICS FOR LARGE CITIES

much as 33 percent higher than the typical E&MW city. If the taxes were sufficiently progressive, the disparity could even be a little greater. Taxes 175 percent above average, however, are off the charts.

At the other extreme, while New York's poverty rate of 19.3 percent looks like a big number, it is lower than the 21.7 percent poverty rate in the other E&MW cities. Females head 8.5 percent of New York households, a whisker above the E&MW average of 8.4 percent. The poverty problem, in other words, is a national problem, not one localized in New York and thus requiring runaway welfare spending.

Demographically, the city's peculiarities are only at the margins—overwhelmingly, New York's demographics resemble, rather than differ from, those of other cities. The population of the five boroughs is 52.3 percent white, quite close to the 54.0 percent E&MW average. True, nonwhite New Yorkers are more various than elsewhere: blacks constitute only 28.8 percent of the city's total population, compared with 40.2 percent in the other E&MW cities, and New York's Hispanic population (both black and white) constitutes 23.7 percent, way above the E&MW cities and comparable with many California cities (though below Texas's numbers). And even more unusual, 28.4 percent of New Yorkers are foreign-born. Only Los Angeles and San Francisco have a higher share, and only two E&MW cities (Boston and Chicago) have even more than ten percent. Similarly, New York has a disproportionate share of adults who do not speak English (10.6 percent) or are noncitizens (14.4 percent).

So, too, with New York's age distribution: despite its quirks, in the most important respect it is remarkably similar to other places. To be sure, it has fewer kids than most places: only 25.7 percent of its population is under 20 years old, compared with 28.4 percent for the average E&MW city. In addition, over 20 percent of those kids attend private school, compared with 18.6 percent for the average E&MW city (and much lower for the West and S&SW). But this relatively small young population is partially offset by a relatively large elderly population (65 and over), 13.0 percent of New Yorkers, compared with the 12.2 percent E&MW average. The net result—and this is the key point—is that

New York ends up with a slightly larger than average working-age population.

This population, moreover, is relatively well educated. True, the 12.9 percent of the population with terminal college degrees is far below the West (and even the S&SW), but it is significantly above the E&MW. Moreover, the 10.0 percent with a graduate or professional degree is higher than all the regional averages. On the flip side, however, the 31.7 percent of the adult population that has not graduated from high school is also high, except compared with the E&MW, where it is average. Thus, as with the income-distribution figures, New York is slightly larger at both the upper and lower tail, although not by nearly enough to explain its bloated public sector.

What is the consequence for New York of its out-of-kilter taxation and public spending? To us, the most telling—and disturbing—comparative number is something called the employment-to-population ratio, which measures the relationship between the number of jobs in a given city (which may be held by commuters as well as by locals) and the number of residents (who may work elsewhere than in the city). The employment-to-population ratio is an excellent indicator of economic health, especially for a city that has distorted its housing market through extensive rent regulation and consequently has kept its population artificially low. A city that is thriving as the economic center of its region has a high concentration of employers, a high number of commuters flocking in to their jobs, and consequently a high employment-to-population ratio. Back in the 1960s, or the fifties or the forties, New York had an employment-to-population ratio higher than that of any U.S. city except Boston and San Francisco—some 20 percent higher than the average E&MW city in 1962. But this specialness had evaporated by 1979, when New York had an employment-to-population ratio slightly below the E&MW average, and by 1994, the city's ratio was 20 percent below the E&MW average and below the average of the other two regions as well. While 6.9 percent of New York's private-sector jobs disappeared between 1962 and 1979, and employment kept on slipping until 1994, the E&MW metropolitan areas saw a 14.5 percent job growth until 1979 and a slight further rise since then.

Just 5.5 percent of the taxpayers pay 47.6 percent of New York's personal income tax.

What accounts for the difference? Vast technological and industrial changes—the decline of manufacturing, the revolutions in communications and distribution—swept over all old U.S. cities more or less equally. So why did New York suffer so great a relative decline in this key measure of economic strength, despite the magnitude of its regional economy, its ample access to suppliers and markets, its relatively well-educated labor force? Why didn't new industries grow up to take the place of the old in New York, as happened elsewhere in the E&MW?

Our data strongly suggest that the city's strikingly disproportionate level of taxation and its deep fiscal deficit are to blame. The numbers don't prove it conclusively, of course. But it is easy to see how such a cause might well produce such an effect. If business taxes (and the costs of complying with business regulation) exceed the economic benefit of being located in the city, businesses will decamp in search of higher profits elsewhere. In addition, high city taxes mean that employees will demand higher wages—even suburb-dwelling employees subject to the city's commuter tax. And that will drive firms to lower-wage areas.

The cost to the city of this ongoing economic erosion is enormous. If New York's employment-to-population ratio had remained equal to the current E&MW average—that is, if it had the average number of jobs given its residential population—its employment base would be 745,000 jobs larger. If it had remained the employment center it was in 1962, its employment base would be over 1 million

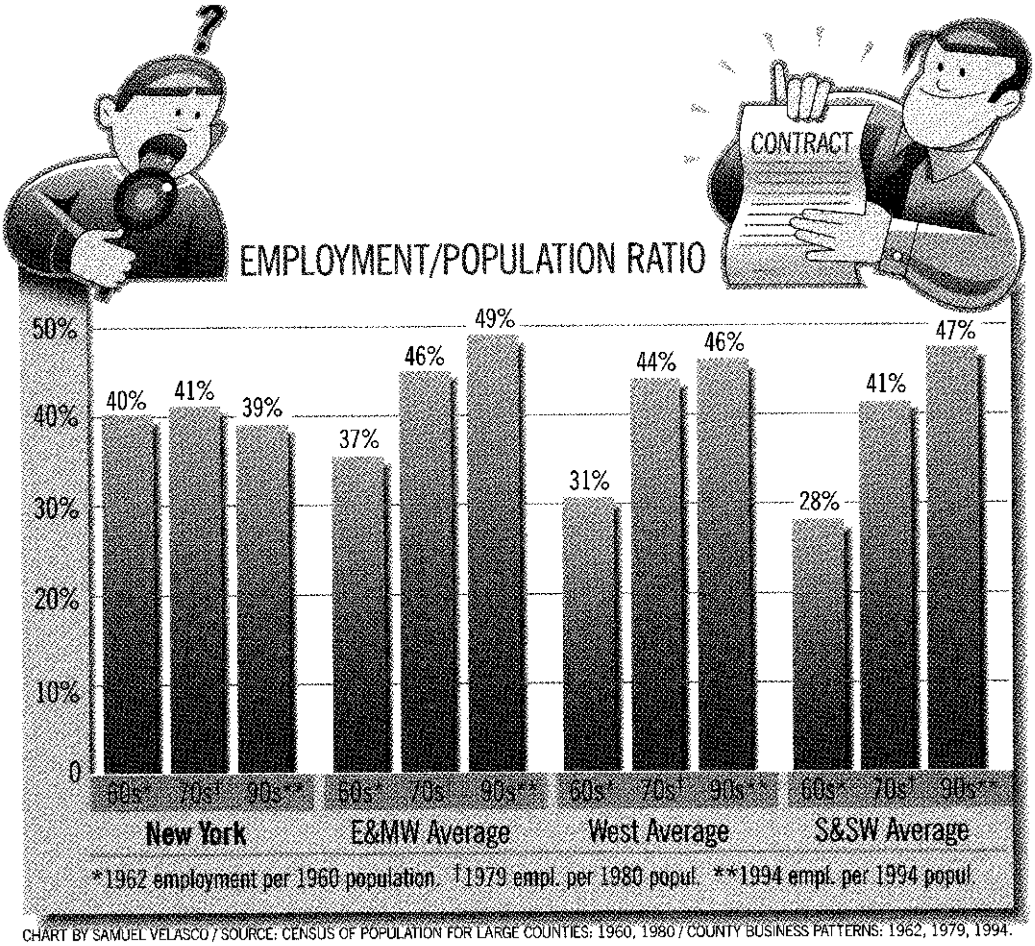


CHART BY SAMUEL VELASCO / SOURCE: CENSUS OF POPULATION FOR LARGE COUNTIES: 1960, 1980 / COUNTY BUSINESS PATTERNS: 1962, 1979, 1994.

jobs larger. At that employment level, if city taxes were 25.7 percent lower than today, the total tax revenue to the city would be the same as now.

This is a familiar conundrum: a rise in tax rates can in the long term produce a shrinkage of revenues. And as the employment tax base erodes, it starts a downward spiral from which it is very hard to escape. The residential tax base is likely in time to follow jobs out of the city. And just a few strategic taxpayers leaving can make a huge difference, since 5.5 percent of the taxpayers pay 47.6 percent of New York's personal income tax. As people and jobs leave the city, property values and tax receipts fall, as do income and sales tax receipts. And if the total tax burden remains the same, the per-capita burden grows even more insupportable.

Taxes and regulation, perennially cited as causes of urban decline, are problems that local government can affect relatively quickly, if not easily. Why not start by getting rid of either the city's sales tax or its income tax? The Giuliani administration could expand its move to exempt clothing from sales taxation to all the other sectors, or it could extend its move to repeal one of the income surtaxes to the entire tax. Sure, tax revenue would drop. But there's plenty of room in the bloated city budget to make corresponding spending cuts. General sales taxes, for example, raise $341 per capita. If the city cut $341 per capita (in 1994) from the unfocused "other" spending, the remainder would still be about average for E&MW cities (and above average compared with the remaining areas). Ending city income taxes would cut a heftier $828 per person out of the budget; but if New York reduced direct general expenses by $828 per person, it would still be spending over twice per capita what the average comparison city in the E&MW spends. Dropping one of the city taxes would start to make New York's fiscal situation a little less distinctive—just what it needs to give residents and employers something to smile about. And if it spent more of the remaining $5,854 per capita on the core service budget and less on pensions, low-income assistance, and its grab bag of nonessential government functions, New York might even start winning back some of those 1 million missing jobs. ●

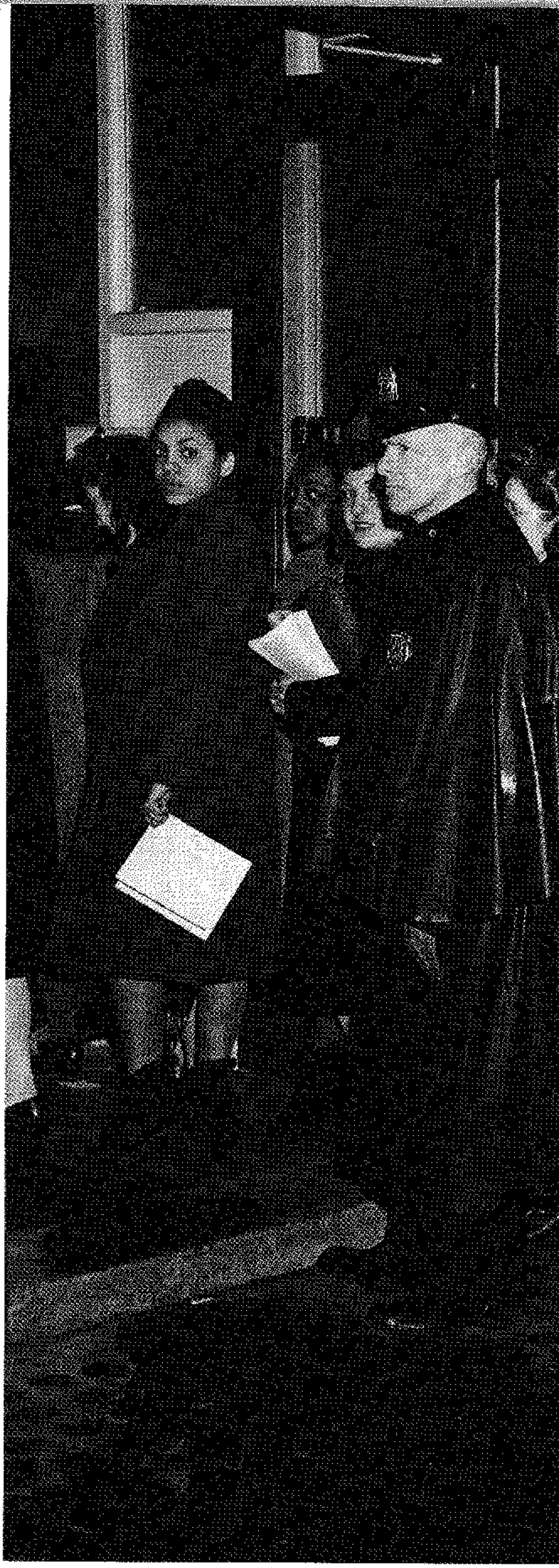
Fixing the Civil Service Mess

Walter Olson

One big reason for America's global economic success is that its business managers have traditionally been free to hire and fire staff in search of high performance. Should public managers have freedom to do the same? Until now, the question would have seemed far-fetched: for decades, at the federal and state levels, as well as in big cities like New York, civil service laws have made it next to impossible to sack most government workers, even for blatantly subpar performance. The culture of public management takes for granted that employees in effect "own" their jobs as long as those jobs continue in existence. Public managers have resigned themselves to the entrenchment of incompetents and shirkers at every level, as a necessary evil of government service. After all, isn't the only alternative the evils of the spoils system?

Yet suddenly change—radical change, even—is in the air. Last year the State of Georgia enacted a landmark law that entirely abolishes civil service coverage for state employees hired after July 1, 1996; workers who start after that date can be hired and fired under rules similar to those governing private employment. As older workers retire, the new arrangements will in time cover the whole state workforce. This remarkable break from the past is the brainchild of a moderate-to-progressive Democratic Governor Zell Miller. Around the country, in fact, a varied group of "neoliberal" prag-

A system created to ensure talented and efficient government employees now entrenches the lazy and incompetent. But reform is on the way.



EW YORK CITY
SERVICE COMMISSION
RECORD ROOM

matists and centrist Democrats, as well as conservative Republicans, is putting reform of public-employee tenure on the agenda.

It's about time. Civil service regulations, once seen as a crucial element of sound governance, have long since become a key barrier to it. What today passes for civil service "protection" is something unrecognizably different from—and often even the opposite of—what reformers were trying to accomplish in the golden age of civil service, from the mid-nineteenth century to the mid-twentieth. Were such great reformers as Carl Schurz or Fiorello La Guardia to return from the grave, they'd be appalled to see the abuses that have grown up in the name of their beloved cause—and might even be tempted to join Governor Miller in blowing up the system to start anew. After all, even though Mayor La Guardia was a strong friend of civil service principles, his biographers delight in telling stories of his unannounced drop-ins to city agencies, his explosions of temper when he caught employees misbehaving or slacking, and the drastic consequences for those employees—which often included instant dismissal. One famous visit to a social service office resulted in the on-the-spot firing of employees guilty of infractions ranging from an unauthorized midday absence to rudeness to welfare applicants ("Take off your hat when you speak to a citizen!" the mayor had bellowed).

Nowadays a mayor or department manager who walked around sacking city employees might end up in Bellevue for delusions of authority. "Discipline, punishment, and removal have been made all but impossible by civil service procedures," write Frank Anechiarico and James B. Jacobs in their 1996 book *The Pursuit of Absolute Integrity: How Corruption Control Makes Government Ineffective.* They cite a vignette from a Columbia University study of city personnel management in which the inspector general of a 4,000-employee New York City agency asked each of the agency's four assistant commissioners to identify their ten worst employees. When he looked at the files of the 40 workers, not one bore even a single evaluation of "unsatisfactory." Why? Under civil service procedures, employees can challenge negative evaluations, like dismissals—a dispiriting maze few managers wish to enter, given so little hope of relief at the end.

Every city has its horror stories. In Chicago, firing a park worker for incompetence takes 84 steps. In Boston, by the 1970s a dismissed public employee could petition four different panels, any of which could order reinstatement and none of which had authority over the others. The employee did not have to petition all the panels at once but could wait until he lost at one stage before moving on to the next. In Philadelphia, it took ten years to fire a school employee who was late to work nearly every day; he had pleaded a "neurotic compulsion for lateness."

The resulting personnel paralysis isn't limited to big cities. *The Washington Monthly* reprints a 1996 memo from thrifty, no-nonsense New Hampshire, for example, in which the state Personnel Appeals Board had scheduled a hearing to consider the appeal of Labor Department employee Phyllis Dobe against a written warning she'd received for sleeping at her desk. "Ms. Dobe alleged that she had not been given sufficient time since her first warning to correct her problem of sleeping at work," the memo reports. "She also alleged that the Department of Labor had an obligation to be more proactive in assisting her with overcoming her 'sleeping problem.' " A formal, quasi-judicial hearing was being convened for an appeal from a mere warning; an actual dismissal was nowhere in sight.

"Imagine working in an organization that makes it so hard to fire nonperformers that managers have quit trying," write David Osborne and Peter Plastrik in *The Washington Post Magazine.* "Imagine hiring from a list of the three top scorers on a written test that has little to do with future performance on the job. Imagine routinely losing your best employees because you can't pay them what they're worth. And imagine enduring layoffs in which those with seniority 'bump' other employees—so when 100 people lose their jobs, 400 more play musical chairs, winding up in jobs they aren't trained for and don't want." Thanks to civil service rules, those conditions, they say, prevail in a typical government organization.

COMPLETE GUIDE
TO U.S.
CIVIL SERVICE JOBS

Waiting for a civil service interview (above), and (page 52) filing into the exam.

Could this really be what nineteenth-century reformers intended when they waged their great battle for civil service? Did they foresee that the law would entrench incompetence, but see that as a price worth paying to avert the still-greater ills of spoils? The short answer is: of course not. In gradual steps, their reforms have been turned upside down.

The origins of the civil service crusade are familiar from every civics textbook. Early presidents had paid broad heed to the principle that ordinary federal servants doing their jobs well should not be turned out of their posts just because of a change of administration. Then, in the 1820s, Andrew Jackson introduced the open practice of ousting blameless and competent federal servants of the opposing party to make way for his own supporters.

The next half-century was one of widespread corruption (Jackson's appointee as collector of the port of New York promptly stole a million dollars), the politicization of jobs down to the humblest, and machine politics. Elected officials expected federal functionaries to devote many hours to campaign duties, and in turn, officials spent much of their time screening clamorous supporters searching for patronage.

In the years after the Civil War, distinguished reformers took up the cause of stopping the abuse. Despite their eloquence and energy, they made little headway at the national level until a calamity shocked the nation: a would-be federal jobholder who felt he had been cheated of promised patronage murdered President James Garfield. With the patronage issue now the focus of public attention, Congress consented to pass the landmark Pendleton Act of 1883.

The centerpiece of that act was a required competitive examination for certain categories of prospective government employees. Not only would this screen out the unqualified persons who had too often secured jobs under spoils—Treasury clerks who couldn't handle numbers, postal clerks who couldn't write a legible hand—it would tie public managers' hands on hiring. Obliged to choose from among the few highest scorers, they would no longer be able to guarantee jobs to hangers-on. Job seekers would stop crowding into campaigns and besieging officials' anterooms.

The ideal of meritocracy played a role too—the idea that talented applicants should have a chance to get ahead even if they're not members of groups with pull. In fact, to the consternation of nativists and racialists, competitive examination allowed immigrants and blacks to snag desirable federal posts. By the end of the century, despite the sway of Jim Crow throughout the

South, competitive examination in the Foreign Service had led to the credentialing and posting of a number of black diplomats, a development that outraged Southern politicians and was ended only when Woodrow Wilson's administration, in a sop to its Southern Democratic backers that belied its progressive reputation, changed the rules so as to get rid of the blacks.

Equally important is what the Pendleton Act did not do: it did not insulate incumbent government workers from firing. True, the dismissal of competent federal employees had been one of the evils of spoils, and one faction of reformers—distinctly in the minority—did favor giving individual workers broader rights to contest dismissals. But according to Carl Van Riper's standard history of the American civil service, the leading advocates of reform actively "deplored" the idea of extensive rights of this sort, which they feared would lead to "removal by lawsuit." Thus George William Curtis, who headed the National Civil Service Reform League, observed that it is "better to take the risk of occasional injustice from passion and prejudice, which no law or regulation can control, than to seal up incompetency, negligence, insubordination, insolence, and every other mischief in the service, by requiring a virtual trial at law before an unfit or incapable clerk can be removed." Curtis and others took the view that competitive examination, by divesting managers of the power to fill vacancies with their cronies, would take away their main motive to dismiss competent incumbents. As the saying went, "If the front door were properly tended, the back door would take care of itself."

Over the century-plus since the Pendleton Act, two things have happened: rules changes have pushed shut the back door, then locked and barred it; and legal attacks on competitive examination have vitiated the effectiveness of that "front-door" checkpoint as a force for competence.

The first dawnings of the tenure idea were modest. By early in this century, Congress had moved to restrict removal of federal employees without "good cause"—a formula that in many other circumstances has evolved into a major obstacle to ousting the incompetent. But President Theodore Roosevelt elected to "clarify" the new policy by specifying that good cause would include pretty much any reason "other than one merely political or religious" and that any decision to hold formal hearings on a removal would be left wholly within the "discretion of the officer making the removal." The Taft administration returned to the issue in 1911 and tightened the screws on managers a bit by instituting rules requiring agencies to give dismissed employees notice of firing, written reasons, and a reasonable time in which to respond—but still no in-person hearing or appeal as of right.

Not until World War II and its aftermath did tenure emerge in recognizably modern form, and then as almost a by-product of initiatives that were popular for other reasons. A law passed in 1944 gave returning GIs a variety of advantages in applying for federal jobs, and two very powerful new weapons against losing those jobs once they landed them: automatic rights to an in-person hearing over dismissal and to an appeal. Since in the postwar years veterans came to constitute more than half the federal workforce, this was a crucial step. Before long, federal agencies were awash in personnel appeals, to the point that, when President Kennedy extended the right of appeal to federal employees who were not veterans in 1962, the step came more as a modest leveling of the playing field than a revolution in principle. Twelve years later, under pressure to protect politically dissident "whistleblowers," President Nixon issued an order ensuring an automatic right of appeal to an authority outside the employing agency, the Civil Service Commission (later, the Merit Systems Protection Board).

Meanwhile, the unionization of federal employees, which had gathered speed after President Kennedy issued an executive order providing for recognition of unions, strengthened the culture of tenure. Not only did unions help their members pursue their civil service procedural rights aggressively in individual cases, but they also lobbied tirelessly to protect and extend such rights on Capitol Hill.

At the state and local levels, parallel developments fully entrenched the tenure revolution by the mid-1970s. Although some differences at the state level are important—in Georgia and some other "right-to-work" states, for example, employees cannot be made to join a union as a condition of employment—organized public employees have taken a leading role in campaigning and campaign finance throughout the country. In many states they have emerged as a leading political force, with strong influence in both Republican and Democratic councils.

While these battles unfolded, fighting raged no less fiercely on a second front. Activists brought the institution on which reformers had staked their hopes—the competitive examination—under devastating legal attack as insufficiently attuned to the needs of racial minorities and other underrepresented groups, an ironic claim in the light of earlier history. As courts began applying the notion of "disparate impact," which judicial creativity had engrafted upon the 1964 Civil Rights Act, they soon found themselves on a slippery slope. Were they to hold suspect all hiring practices that did not result in a workforce proportional in race and gender to the surrounding population (as the Supreme Court had ordered in *Griggs* v. *Duke Power*), then they would find themselves holding nearly all results of competitive examinations to be suspect under the law, since such exams typically produce disparate outcomes.

For courts to venture into such matters at all would in an earlier day have seemed a dizzying assertion of hubris. In a 1900 case that made it into the law books, the Interior Department had dismissed one of its clerks, a Mr. Keim, on grounds of inefficiency. Keim sued, pleading unfairness. He managed to get all the way to the U.S. Supreme Court, but its answer was not a welcome one: the Court explained that though it was quite possible an error had been made, judges were not in a position to inquire, long after the fact, into matters "peculiarly within the province of" Keim's supervisors, in particular how well he had performed his job when compared with his fellow clerks. Reaching for what it evidently deemed an absurd comparison, the justices said courts might as well be asked to review "the results of a civil service examination."

But by the 1970s opinions on the competence of courts had changed drastically. Soon lawsuits over the results of civil service examinations filled courtrooms across the country, and judges began striking down whole exams, ordering particular questions and sections of tests thrown out or revised, and enjoining hiring agencies to lower passing scores, evaluate results using pass-fail scoring, or both.

The inevitable result: to undercut, and in some cases destroy, the value of competitive exams in guaranteeing a highly qualified applicant pool. After a court challenge to its test of applicants' abilities, New York City's Department of Sanitation required prospective employees to drag an empty sanitation basket to and from a truck, rather than to carry a full one, and 98 percent of applicants routinely passed. Pittsburgh's police department agreed to give more tries to applicants who had sued after failing a target-shooting test, thus establishing bad aim as another legally protected category. By the time Washington, D.C.'s written exam for firefighters had made it through the legal process, its passing grade was set at a "score one could expect to receive if one answered the questions randomly," as a federal appeals court noted. "Dart-throwing methods of test answering sufficed."

At the federal level, legal challenges led the Foreign Service to abandon its exam questions on history and politics as well as credits for foreign-language attainments. For eight years, another court blocked the federal government from administering the PACE exam, its standard exam for high-level executive and professional employees. The *Washington Post* found that the legal straitjacket on the hiring process was "almost universally blamed" for what a commission called a "widespread sense that the overall quality of federal entry-level employees is declining"; a blue-ribbon commission had diagnosed a "quiet crisis" in attracting competent applicants to the federal service.

True, in the last ten or 15 years, the legal climate for testing has thawed slightly, especially since a couple of Supreme Court decisions that upheld particular uses of tests, such as South Carolina's use of a teacher-competence exam. Even so, the atmosphere has changed unrecognizably from the old days, and the climate of opinion in the law schools and elsewhere in the legal culture still holds the civil service examination very much in suspicion of—as we learned to call it in the 1960s—elitism.

Against this background, what's happening in Georgia looks all the more revolutionary, even though Governor Miller accomplished it by surprisingly simple means. In Georgia, much of the state's workforce had held what are known as "classified" jobs—the ones awarded by competitive examination and protected against dismissal. Last year's legislation simply declared that all newly filled jobs would be unclassified. While benefits remain similar for all employees, new hires get raises only on the basis of performance and can be promoted or demoted at managers' wish.

The new law's effects on firing, as opposed to hiring, come into sharp focus in an example Jonathan Walters cites in *Governing* magazine. According to Georgia officials, two state correctional officers were caught using cocaine. The one hired before July 1996 has pursued his rights to appeal, and the state not only will be shouldering large process costs but is on the hook for substantial back pay should he win. The guard hired after July 1996 is gone.

By decontrolling hiring as well as firing, however, Georgia has overthrown the civil service idea in both its old and new manifestations. Agencies can and sometimes do hire without competitive examination or other documentable yardsticks of competence—though in fact many state agencies voluntarily continue to use the tests. But those agencies can now choose to follow or dispense with earlier rules requiring that, for example, only the top ten scorers be considered for a vacancy, as they see fit.

Will favoritism and the spoils system reemerge? In an interview, Georgia Merit System commissioner Dan Ebersole and deputy commissioner Dana Russell conceded that critics have expressed fear that, in the absence of formal hiring rules, "someone's sorry brother-in-law" will wind up getting on the payroll. But, they say, managers frequently manipulated the old rules to achieve the same result. And, they say, these are not the old days in which there were few checks on the performance of a state agency. The press plays a strong watchdog role, a variety of other employment laws offer leverage to the employee who feels discriminated against or badly treated, and higher-ups in the state administration are more likely to ride herd on an underperforming agency.

Perhaps the most surprising outcome has been a lack of controversy. Ebersole and Russell say the state employee union, affiliated with the Service Employees International Union, initially fought the reforms but softened when legislators agreed to exempt employees hired before 1996. Now, they say, the reform is a "dormant topic."

Though delegations from other states have visited Atlanta to learn about the scheme, no other state has come close to following Georgia's drastic step (though on the related issue of teacher tenure, Oregon this summer took a notable leap, making itself the first state to abolish job security for educators in favor of two-year renewable contracts). Yet the movement for civil service reform is growing fast, abroad as well as at home. According to Ray Raymond of the British consulate in New York, the United Kingdom has significantly deregulated the hiring and dismissal of higher-level government managers, a Conservative measure that the new Labour government is expected to retain intact. And New Zealand, according to Osborne and Plastrik, "has swept away virtually its entire civil service system, freeing each department to create its own personnel rules."

In seeking to attract the best and eject the worst public servants, reformers will inevitably risk the charge that they are being "elitist." And yet the early reformers did want an elite civil service. That is why they focused on making the service hard to get into, but not hard to get kicked out of. Should we someday start taking government service seriously again, we may want to stop doing the reverse. ●

How the G.O.P. Can Make D.C. OK

Tucker Carlson

Congressional Republicans have taken control of Washington's failed city government. They have the chance to turn the nation's capital from a basket case into a beacon.

On July 30, Congress pulled the plug on one of the nation's longest-running experiments in liberal urban policy, which by then was unmistakably, miserably, failing. Washington, D.C., was at rock-bottom: crime raged virtually unchallenged, City Hall's vast bureaucracy barely functioned, the school system had become a cruel farce, residents and businesses were fleeing town. With a Republican-sponsored law stuck onto this year's budget bill, Congress stripped Mayor Marion Barry of his authority over every significant government agency, leaving him with jurisdiction over nothing but libraries and parks. The City Council ended up just as toothless. Power passed to a federally appointed control board, which immediately dispatched new chiefs to the nine largest city agencies. The board will also choose a chief management officer, with powers as yet unspecified, who will stay until the city's budget is balanced four years in a row. It was the most radical change in the

Busted: D.C. streets sport potholes "big enough to bury a cat in."

way the District of Columbia has been governed since the city received limited home rule a quarter-century ago.

At first Congress thought it could set the District right with much milder measures. But the financial control board it appointed in 1994 achieved little more than assembling some reliable statistics. And even when Congress realized it had to go further last summer and prepared to pass hugely expensive White House–backed legislation assuming federal responsibility for such state-like functions as prisons and courts, roads and bridges, and D.C.'s $5-billion-in-the-red pension fund, the bailout plan had few strings attached to force thrift and efficiency on the District.

Fortunately, at the last moment, Lauch Faircloth—head of the Senate subcommittee that oversees the District—rejected such half-measures and demanded that the legislation be accompanied by radical reforms. His boldness was striking: members of Congress, seeing no political gain in meddling with a city where their constituents don't live, usually let District affairs slide. Bold, too, was Faircloth's refusal to pay lip service to the competence of local officials or the right of Washingtonians to home rule. "The District of Columbia does not belong to the people who happen to live between its boundaries," he announced earlier this year. "The city belongs to the people of the United States."

Howls of outrage from the usual demagogues greeted his uncompromising stance: Jesse Jackson compared him to George Wallace; more than 500 self-styled home-rule activists picketed his North Carolina farm; Louis Farrakhan caught the first flight to Washington to stage protests; Marion Barry denounced his own demotion as a "rape of democracy," part of a white plot to deny self-government to Washington's black majority. The city's nonvoting delegate to Congress, Eleanor Holmes Norton, initially hailing the legislation as "a big win" for the city, reversed her position in hours, quickly becoming its most vocal critic and blasting its architects as mean, heartless, and probably racist.

Swatting all this aside, Republicans in Congress, led by Faircloth, have already begun to set the District straight by cutting taxes, slashing regulation, and helping to fix the police department. Congress has ordered independent consultants into each of the city's largest agencies, to make recommendations for further reform. Encouraged by Faircloth to make greater use of the powers it has been granted by Congress, the control board for the first time seems to be taking an assertive role in reforming the city. In September, the board hired the KPMG Peat Marwick management-consulting firm to devise a new computer system to keep track of the District's byzantine budget.

Now Faircloth and the Republican majority on the District Committee have an extraordinary opportunity: to make Washington the poster child for the new conservative urbanism that has been reviving cities all across the country, from San Diego to Indianapolis to New York. Conservative urban reformers have shown what works, and Congress has the constitutional authority to put this welter of new, experience-tested ideas into effect in Washington. For the time being, Faircloth plans to leave the execution of management reforms to the newly strengthened control board. "We're not going to micromanage the city," says a member of his Senate staff. But Faircloth has vowed to watch the control board's progress carefully, and he has ample power to impose the needed reforms.

He'll need it, for the task of reform is vast. Washington cries out for as much cleaning up and hosing out as Hercules gave the Augean stable. In the 25 years since Congress ceded home rule to the District, city government has grown so bloated that it consumes more tax money per person than anywhere else in America—$8,296 for every man, woman, and child in 1996, as compared with a combined state and local total of $7,673 in New York and $4,804 in Philadelphia. The District spends more per capita on fire and police ($1.2 million a year just for the mayor's personal security detail), schools, and welfare than any other city. Its workforce, second in employees per capita only to New York, is more than big enough to provide world-class municipal services.

JOHN McDONNE/THE WASHINGTON POST

Yet city agencies often leave even basic tasks undone: snow stays unplowed in winter, garbage uncollected in the heat of summer. City streets have reached Third-World disrepair. "Residents continue to drive down streets with potholes big enough to bury a cat in," complained Faircloth, who once headed the North Carolina Highway Commission, at a Senate hearing this summer. A recent survey found traffic in Washington—despite its wide, well-planned streets—among the worst in the country, thanks to illegible street signs and local police who almost never direct traffic, even during the height of tourist season. As for cleanliness, by late August of this year, 32 out of 34 of the city's street-sweeping machines were broken, along with a more than a third of its garbage trucks. Even when the trucks are working, the *Washington Post* found, the average city garbage collector picked up only ten tons of trash a week, compared with the 39 tons per man per week average in New York. The city government can't even keep track of the money it is owed. A recent control board study found that the District could add $76 million to its coffers simply by collecting taxes and water bills more efficiently.

Why are city services so bad? Simple: for decades, as Dwight Cropp, a former member of Barry's cabinet, explained to the *Washington Post,* "government wasn't seen as providing a service, but providing an income." The explicit goal of the past four Barry administrations has been to hire

Busted: vandalized parking meters fill a vacant D.C. lot.

and pay as many voters as possible. As one observer put it: "In Chicago, the city hires ten people to do the work of five, and they do it; Washington hires 20 to do the work of five, and they *don't* do it." Every financial crisis in the District's recent history springs from local politicians' schemes to enlarge their political base by expanding the municipal payroll, diverting every possible dollar—even grants to assist abused children and money set aside to bury victims of violent crime—to more city jobs. When it was announced this summer, for instance, that the federal rescue plan would produce a short-term savings for the city of close to $200 million, Mayor Barry argued that the money should be spent on "summer jobs" and a "bonus for D.C. government employees," a notion the control board naturally squelched.

With a government-by-spoils-system—in a city whose Democratic leaders have never had to face the challenges of a strong opposition party or a strong business sector—mismanagement, even graft, have flourished. The District awards more than half of all municipal contracts without competitive bidding, and it pays rent on buildings that house city offices at far higher than market rates, often to political allies of the mayor. Since the end of 1993, the U.S. Attorney's office in Washington has begun at least seven large-scale investigations into fraud in District government. None has yet resulted in an indictment, but all point to profound mismanagement.

Indeed, thanks to mismanagement, the city has been broke for some time. This spring it couldn't advertise properties for sale in the *Washington Post*, because it couldn't pay its previous bills for classified ads. Last year city government offices fell into crisis when money to buy toilet paper ran out. Being broke, of course, hasn't stopped city officials from continuing to dream up new, often strange, ways to spend public funds. Several years ago, when the city was desperately short of cash, Marion Barry planned to pour $18 million into a 100-room "health spa and retreat" for District employees presumably needing relaxation after a long day of idleness and graft. Barry went to prison for smoking crack before the retreat could be built, but his taste for ostentatious public expenditures survived his incarceration. He recently proposed balancing the city's budget in 1998 by cutting $50 million from the police department and schools, but around the same time he unveiled a plan to spend almost $3 billion on transportation projects, including a network of urban bike paths and an elaborate system of water taxis. "Obviously, the forecasts for D.C. were very bleak," conceded Michele Pourciau, a city employee who directed the proposal, which took four years and $500,000 in consultants' fees to create. "If we depended on forecasts, we would just fill the potholes and go home."

Washington's school system fits this same pattern: vast spending (the highest per-pupil outflow in the nation) and paltry returns both in terms of poor student performance and ill-equipped, ill-maintained schools—for the by now familiar Washington reason. District schools are less an educational enterprise than a jobs program for politically connected city residents. A school board member summed up the problem in 1988, when he bragged to a reporter that he used his position to reward friends, family, and political supporters. "Sometimes I feel like I run a job placement service," he said. Result: the school system now employs more than 10,000 people, including the nation's highest-paid school board and "window-shade repairers" who earn $50,000 a year. The system has the highest ratio of administrators to teachers in the country—one for every 16 teachers, as compared with one for every 91 in Chicago.

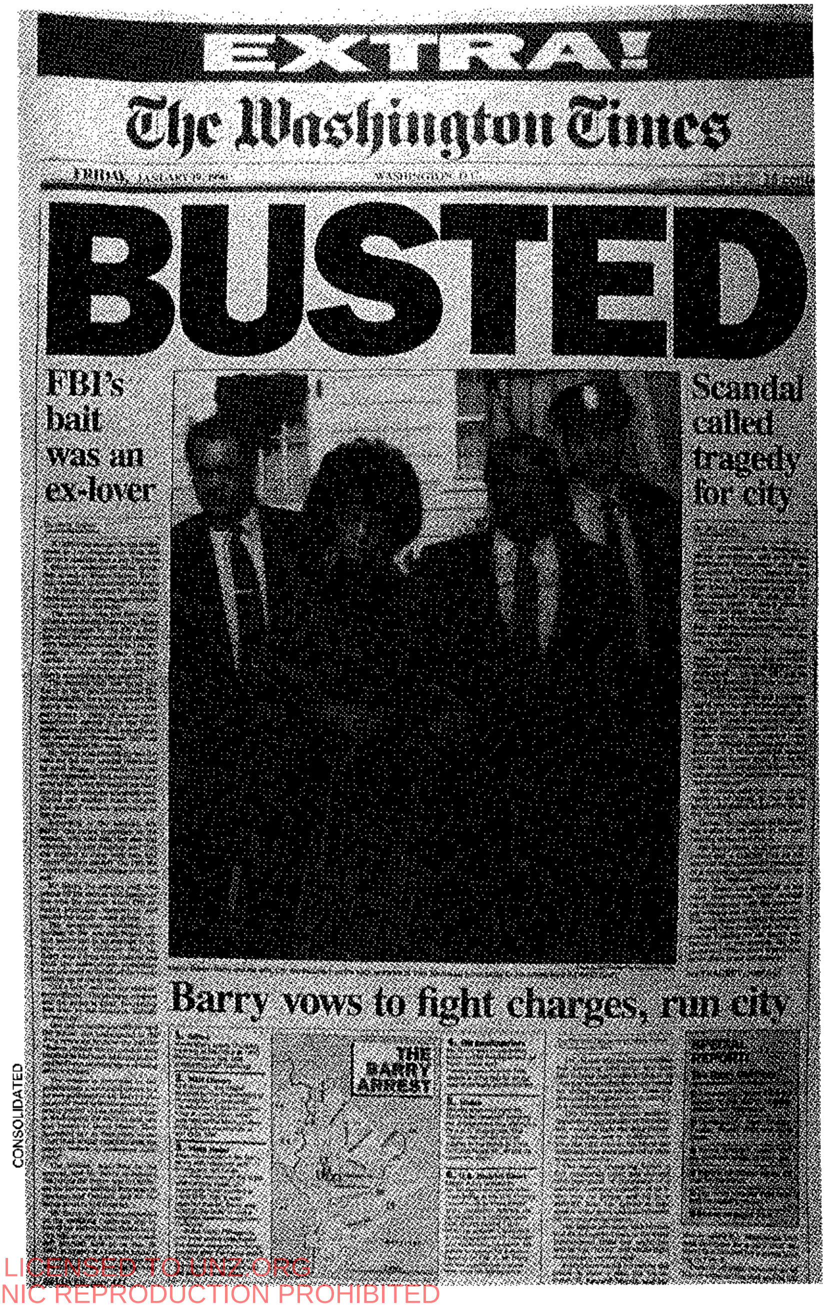
Even the most incompetent teachers are almost never fired, not only because of strict union regulations, as in New York, but also because of the culture of racial solidarity that flourishes in Washington's mostly black civil service corps. "Government became a brotherhood and a sisterhood," Sam Newman, the former director of the city's emergency services, told the *Washington Post* this summer. "People would say, 'I don't want to fire this person; I can't write him up.'" Stories are legion of incompetent or even dishonest employees getting shuffled from job to job but never getting fired.

For the students, the results are what you'd expect. Their average score on the verbal section of the SAT in 1997 was only 412, below the already embarrassingly low national average of 505, and down five points from the year before. Math scores average 399, for a combined SAT average of just 811. (The average combined score in New York's public schools was 997.) And those were just the kids who planned on going to college. Over half the students in the District schools drop out before graduation. A control board report late last year was stinging in its bluntness: "For each additional year that students stay in [District public schools], the less likely they are to succeed, not because they are unable to succeed, but because the system does not prepare them to succeed."

As crime rates dropped in virtually every other major municipality in America—most dramatically in New York—they climbed steadily in Washington, reaching more than 12,000 offenses per 100,000 residents in 1995. From 1985 to 1996, burglary, assault, and robbery shot up; murders increased by 169 percent, and car thefts skyrocketed by almost 500 percent. Fear of crime drives residents and businesses out of the city and keeps new ones from moving in. "If there's a sense that your employees are not going to be safe, then that's an issue," says Diane Duff of the Greater Washington Board of Trade. "Public safety has really played into the [business location] equation."

The city's lenient laws—a legacy of the 1960s black-power types who have dominated the city's politics for 25 years—are part of the problem. For example, a law that prohibits local judges from setting bail higher than suspects can pay long prevented the District from keeping many dangerous criminals off the streets while they await trial. And while fully a third of all crimes prosecuted in the District are drug-related, the city has had among the most lenient drug laws in the country. Many crack-cocaine sellers who under federal sentencing guidelines would get 12 to 24 months behind

Busted: Mayor Barry, now out of jail, left the city broke.



EXTRA!

The Washington Times

BUSTED

FBI's bait was an ex-lover

Scandal called tragedy for city

Barry vows to fight charges, run city

THE BARRY ARREST

CONSOLIDATED

bars would get probation under District law.

But the biggest problem is the police force. Not that there's any shortage of cops: the District has more than any other city in America. It has more than seven uniformed officers for every 1,000 residents, compared with four per 1,000 in New York and 2.6 per 1,000 in Los Angeles. But many of this vast army are unfit for the job; Marion Barry has long pushed aggressively for affirmative action in the police department, and during his first three terms, police force entry standards fell sharply.

What was once among the nation's most professional forces became yet another city-sponsored jobs program for Barry's constituents. Race norming became the rule on tests for hiring and promotion. The department swore in entire classes of recruits without conducting background investigations. Many recruits later turned out to have criminal records, frequently for drug dealing and violence; at least one had listed his home address as the city's largest mental hospital. At one point, in what seemed almost a clever satire of a liberal program, Barry decided to scrap employment qualifications altogether and simply hired cops and firemen by lottery. (Lani Guinier made almost the same astonishing suggestion in a recent *New York Times* op-ed.) An outraged Congress soon voted overwhelmingly to stop the practice.

At one point, Barry decided to scrap employment qualifications altogether and simply hired cops and firemen by lottery.

The results of all the laxity were predictable. Scores of cops were arrested for crimes ranging from running a drug ring and armed robbery to rape and murder. Many officers who weren't corrupt were not mentally capable of performing the job. A review of the department conducted by the consulting firm of Booz Allen and Hamilton found that in 1996, 16 percent of the city's police officers made 90 percent of arrests. Then again, these numbers shouldn't be surprising: out of a force of about 3,500 cops, Booz Allen found that last year just 654 actually patrolled the streets. The rest stayed back at headquarters, administering.

Meanwhile, good cops found their work hampered by almost comic mismanagement. Crime-scene evidence routinely ended up misplaced or stolen, equipment was outdated (by the mid-nineties, many cops were still using manual typewriters and rotary-dial telephones) when it wasn't broken. On a single day several years ago, 12 out of 19 patrol cars in one police district were out of order. By the beginning of 1997, the department, demoralized and widely considered to be in competition with New Orleans as the worst in the nation, was losing a net total of ten officers a month, many of them experienced veterans, fleeing to higher-paying and safer departments in neighboring jurisdictions.

A 1997 study by the liberal Brookings Institution determined that Washingtonians are "grossly overtaxed." You can say that again. The report identified 20 separate taxes and 115 fees levied by the city. In addition to its heavy personal and corporate income taxes, the city has a complicated sales-tax structure that gouges residents every time they pay for goods and services. It costs more to register a deed or pay excise tax on a truck in Washington than anyplace else in the country. Local government takes a whopping 20 cents from every gallon of gas sold in Washington, as well as 10 percent of every restaurant bill and 12 percent of all parking fees (in a city where parking fees are inevitable). Add to these one of America's highest property taxes, and the result is ugly: a District resident making $25,000 a year will pay about 88 percent more in local taxes than his counterpart in the average American city. As for business, all this helps to make Washington, according to the Small Business Survival Foundation, the most hostile location in the country for small-business owners.

The city's legendary maze of regulations and licensing fees adds costs to virtually everything Washingtonians do. At a City Council meeting several years ago, District resident Jeanie Ann Malloy described what it took to build a simple wooden deck in her backyard. She had to travel to at least eight separate government offices and pay three separate fees before she received the permit. The many signatures required were to be signed, according to city regulations, with "black ink ball-point pens made by Cross or Skillcraft or equivalent, . . . black permanent ink fine felt tip pens made by Sanford (Sharpie), . . . [or] black permanent ink drafting pens." Any deviation from the prescribed pens, the Department of Consumer and Regulatory Affairs warned Malloy, would result in the forfeiture of her fees. In all, Malloy visited the DCRA five times over the course of many weeks. Each time, she had to toil up six flights of stairs, since the building's elevator was broken.

Malloy's experiences are the rule, not the exception. It now takes a basic zoning permit an average of 13 months to wend its way through the maze of city departments; an ordinary city contract takes 216 days. Even Eleanor Holmes Norton complained recently to colleagues that it took her a year to obtain city permission to build a deck on her house.

No wonder citizens and jobs are streaming out of town. Between 1990 and 1995, according to census data, Washington lost 52,900 residents as well as a net total of some 1,000 businesses, according to Dun and Bradstreet. By 1997 there were only about 37,000 people left in the city who make $50,000 or more a year—this out of a population of 543,000. As one Republican Senate staffer involved in the reform efforts puts it: "The problem with Washington is, nobody wants to live here, and no one wants to run a business here."

Congress's reformers will have no shortage of good ideas to draw on as they struggle to clean up this mess. Here are the ones they should consider most carefully.

First: privatization. In Indianapolis, Mayor Stephen Goldsmith—perhaps the most visible spokesman for the new conservative urban policy—dramatically improved services while saving taxpayers $250 million so far, simply by introducing competition. Over the past several years, Goldsmith has put up for competitive bid about 75 different city services, everything from the local airport and wastewater treatment plant to print shops and microfilm services. In some cases, private—even foreign—companies won the contract. In others, government employees discarded their public-sector work- and seniority-rules, made themselves efficient, and won the bidding. In the end, it doesn't matter who gets the contract, as long as whoever gets it is the most cost-effective the city can find, a result that competition encourages.

The District's garbage hauling, road repairs, tax collection, property assessment, even the management of its libraries (four of which were closed earlier this year because of rat infestation and broken toilets)—all should be subjected to the purifying realities of the free market. Simply privatizing the city's payroll handling, according to a recent internal audit, would save the District about $8 million a year.

Second: school vouchers. Washington nearly got this right last year, when a majority of both houses of Congress voted to give the District a school-choice program that would have offered poor children vouchers worth up to $5,000 apiece to attend private schools. The money would have come directly from the federal treasury rather than from the city's school system budget—making it less controversial than other such proposals. The National Education Association lobbied hard against it anyway, and the bill died in conference, under the threat of a veto from President Clinton. Republicans plan to try again; District-related voucher bills are pending in both the House and the Senate, under the sponsorship of Dick Armey and Dan Coats.

The purpose of school choice is not to weaken or replace public schools but instead to make them strong through competition. It would also reduce the destructive power of teachers' unions, by breaking the monopoly they currently hold over the education of poor children. "Whether you're a high-quality teacher doesn't matter much right now in Washington schools," says John Norquist, Democratic mayor of Milwaukee, where a well-known school-voucher program flourishes. "You get paid whether you teach well or not. Under a competitive model, where what the parents think matters, high-quality teachers will be in great demand. So if you're a good teacher, you have nothing to fear from school choice." For bad teachers, of course, school vouchers are a different story.

"There is no active opposition to school choice within the political culture of Milwaukee at this point," says Norquist. The system's biggest supporters are the people it was designed to help most: impoverished, largely black, inner-city students whose parents are delighted with the quality of the private schools their kids now attend.

The single most important thing reformers could do for the low-income residents of Washington is to reduce crime.

"In the African-American community, because they were the ones bearing the greatest burden of it, there was the greatest frustration with more and more money being spent every year on public schools, with lower results," says Norquist.

Third: the single most important thing reformers could do for the low-income residents of Washington is to reduce the crime that makes their neighborhoods so dangerous. Here the city is already on the right track. Congress's rescue plan has toughened up the laws, bringing federal sentencing standards to the District, for example. And in 1996, even before Congress passed its new legislation, the control board managed to strip the mayor of the power to hire and promote senior officers, breaking Barry's political control over the police department. With Barry unable to meddle in department affairs, the city's police chief, Larry Soulsby, a 24-year veteran of the force whom Barry originally appointed, appears to have been doing his job well: arrests have increased this year, and the city's crime rate is down by 17 percent.

Encouragingly, Soulsby has chosen exactly the right model to follow: "the Manhattan Model," as cops all over the world call the style of policing that Commissioner William Bratton instituted in the New York police department. Bratton's well-known innovations were profound but also fairly simple. The key is the "Broken Windows" approach—the aggressive enforcement of laws against minor, often so-called victimless, crimes and quality-of-life offenses like public drunkenness, public urination, prostitution, aggressive panhandling, crack smoking, and the like, on the grounds that when police don't enforce the laws against crimes of disorder, criminals get the message that no one is in charge and feel emboldened to commit more serious crimes. To this approach Bratton added modern management techniques and rigorous, computer-aided analysis of crime patterns. Figure out where the crimes are taking place—all the crimes, not just the dramatic ones—and stamp them out, swiftly and forcefully, with "zero tolerance." The people you arrest for breaking little laws frequently turn out to be people who have broken big ones.

Republicans should keep their attention focused on Soulsby's progress. Unlike many social trends, crime is easy to measure, and if, by next year, crime of all kinds has not dropped dramatically in Washington, or if Soulsby reverts to the counterproductive management practices of his predecessors, Republicans in Congress should put the city's police department directly under federal control.

Fourth: lighten the taxes and regulations that have been sinking Washington's economy. Congress has already eliminated capital gains taxes for businesses located in neighborhoods that have at least 10 percent of their residents below the poverty line—which makes most of the city an enterprise zone now. People who live in neighborhoods with 20 percent of the residents in poverty will receive steep tax breaks on income, as will the businesses who hire them. These measures are a start, but such targeted social engineering is bound to be less effective than across-the-board tax cuts that remove the barriers to entrepreneurship and residency all across the city.

Crucially, Congress has forced the city to lighten the crippling regulatory burden it had piled on businesses. The process began last year—quite accidentally—when Mayor Barry created a free-market-oriented advisory commission whose recommendations he almost certainly planned to ignore. This summer, however, Senator Faircloth hoisted the mayor on his own petard: he added language to the rescue bill that requires the city to reform its regulations within six months, "pay[ing] specific attention to the fullest extent possible" to the commission's findings. The commission's 120 two-fisted recommendations, announced in late August, included eliminating 118 of the 129 types of licenses businesses now must obtain, reducing the time it takes for a business owner to obtain the proper permits from weeks to only a few hours, and getting rid of most of the city's 230 boards and commissions, from the useless Acupuncture Advisory Committee to the useless Nuclear Freeze Advisory Committee. The commission also recommended scrapping the city's 20-year-old rent-control program, a retrograde program that in a city with a fast-declining population is even sillier than usual. Should the city fail to implement these proposals, Congress should impose them by law in the next budget bill.

Finally: before they can finish reviving Washington, congressional Republicans will have to brace themselves for ever-louder charges of bigotry, as is the fate of many urban reformers, at least until their reforms start to work. Since the beginning of home rule, the District's leaders have been addicted to racial politics: in a mostly black city that has never become fully independent of a mostly white Congress, racism makes an all-purpose excuse for city government's failures and a handy weapon to bludgeon political enemies. Barry is a master of this technique, and his predecessor, Sharon Pratt Kelly, was legendary for accusing virtually everyone who disagreed with her of racism: "It's something straight out of *Uncle Tom's Cabin*," began one of her favorite lines. As a white Republican from North Carolina, Lauch Faircloth is bound to attract charges of racism from the District's political leaders, many of whom never tire of reminding their constituents of the good ol' boy legislators who ran the District until the 1970s. So far, the flinty Faircloth has ignored the taunts, and should continue to ignore them. As he said recently: "I've heard so many meaningless statements from Marion Barry that one more doesn't matter."

Over the last couple of years, Republicans have found their grasp on "the vision thing" slipping. But on urban matters, they actually have a comprehensive vision already at work on the state and local levels, a vision that has produced dramatic improvements in city life—and good results at the polls as well. They have everything to gain by seeing it through to success in the District too.

And success is winnable in Washington. Congress's mere announcement of its sweeping legislation, without any concrete steps to implement it, by itself produced dramatic results. According to the *Washington Post*, employees at the District's Department of Consumer and Regulatory Affairs—the much-resented agency in charge of issuing permits and regulating businesses in the District—were panicked by the dethroning of Marion Barry. Long notorious for its stifling red tape and rude or nonexistent service, the DCRA is the agency where, the *Post* reminded readers, in the middle of the day in years past, "entire offices and counters were abandoned, and visitors wandered the halls in search of assistance." Without the mayor's protection, explained one 25-year agency veteran, "There is an attitude of terror here. Everyone in my office is afraid of losing their job." So nervous were they shortly after the congressional takeover that many of them had begun to do their jobs well. On the evening a *Post* reporter visited, the DCRA's permit window was still accepting applications an hour after scheduled closing time.

Imagine what a determined onslaught would produce. ●

A Port Authority Portfolio

photographs by Larry Towell

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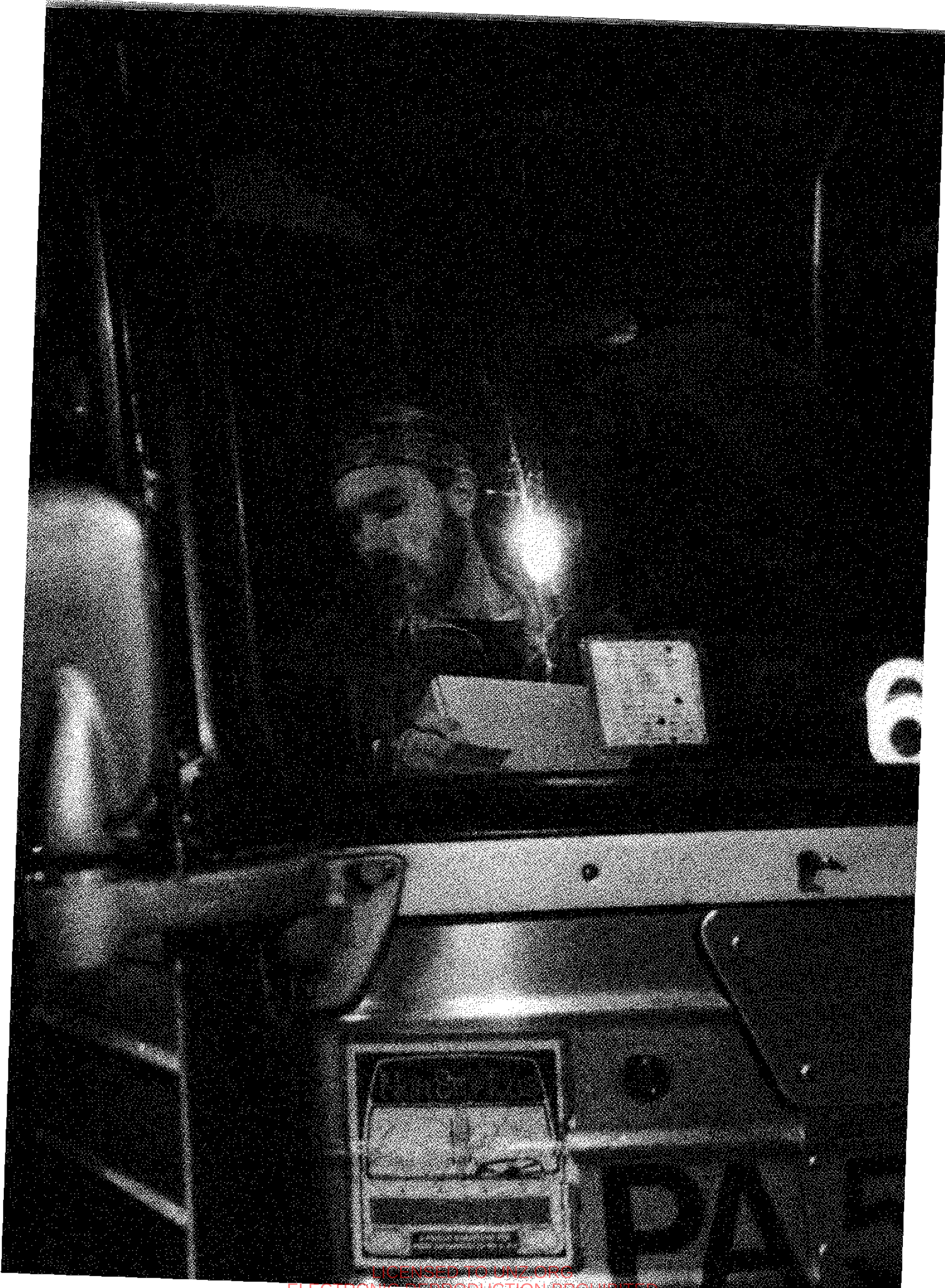
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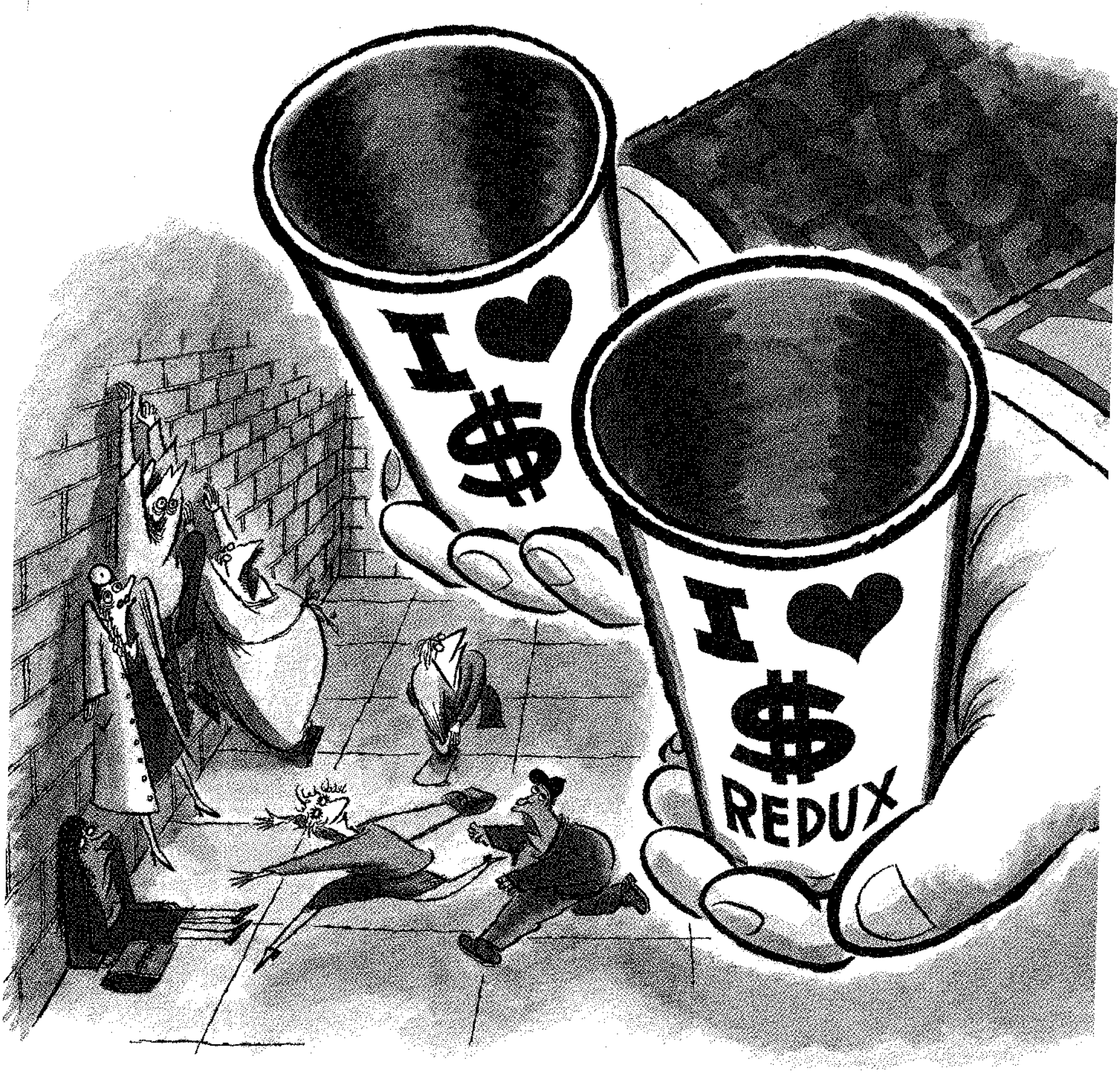
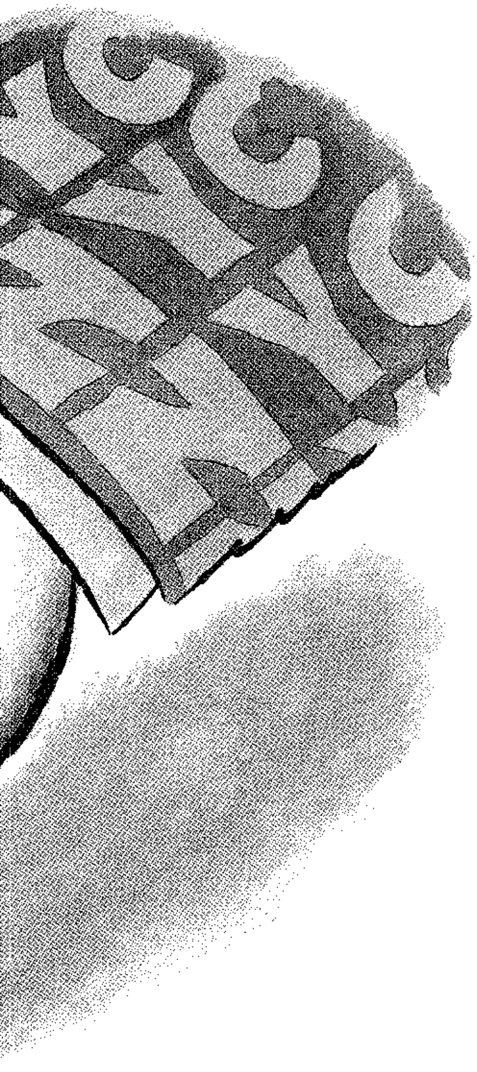


Illustrations by Arnold Roth

The UBT's Last Gasp?



Dan Seligman

Can it be that New York City's infamous unincorporated business tax is actually going bye-bye? That the Giuliani administration is really making good on that 1993 campaign pledge to phase out the hated levy? Will chronically enraged UBT taxpayers like me no longer have to do business with the city's gastritis-inducing Department of Finance?

Could there be a catch in here somewhere?

Well, only a small-to-medium catch. New York being New York, it is reducing, not eliminating, the tax—so any time the city's huge revenue windfalls from Wall Street cease, a reasonable person might fear a UBT comeback. Furthermore, the new tax deal is monstrously complicated, in classic Gothamite tradition, so widespread bafflement about how the law works could give prospective tax-raisers lots of wiggle room.

Still, something amazing really is happening: New York is becoming significantly more attractive to the self-employed small-business and professional people who are not incorporated and therefore get hit with the tax. The legislation Albany has just passed after a huge Giuliani administration lobbying effort will completely liberate 10,600 self-employed taxpayers from the UBT—those who live in one of the five boroughs and have business income of $55,000 or less. Equally important, the new legislation will provide varying amounts of tax relief for UBT victims earning more than $55,000.

What's more, until now, the state Legislature and the governor had to approve any changes in the UBT. But in the new deal, the state washes its hands of the tax and will allow the mayor and the City Council to make future changes by themselves. For its part, the Giuliani administration seems to be saying that this year's cut is the beginning of the end for the tax. "This legislation doesn't go all the way toward eliminating the UBT," states Adam Barsky, acting commissioner of finance, "but it's a first step."

New York's hated unincorporated business tax is going, going . . . but not quite gone.

By some measures, the UBT is peanuts. Only around 31,000 taxpayers have filed UBT returns in recent years, and the tax adds only about $550 million (about 1.5 percent) to city revenues. But the tax has been keeping thousands of talented people out of the city. A New York–area writer or accountant—or anyone with an unincorporated business that could be done outside the city limits—couldn't but look at the UBT as an invincible argument for Great Neck or Hoboken. The most visible defector has been Andrew Tobias, a well-known New York–born writer who became a proprietor of the TaxCut computer program. After a lengthy row with the city's Department of Finance, Tobias paid $44,496.29 in back taxes, penalties, and interest—and moved to Florida. He graphically expatiated on the injustice of it all in a 1987 *New York Times Magazine* article.

Everybody knows that New York City taxes are a horror story, but many folks are incredulous when first hearing about the UBT. I have been glumly paying it for ten years—ever since I ceased to be an employee of a large media conglomerate and became instead a "contract writer"—and I have often found myself grousing about it to other self-employed friends. I kept making the embarrassing discovery that many of them had never heard of the tax and were amazed—and not entirely grateful—to learn that they were breaking city law by not paying it. Their incredulity about the tax is easy enough to understand. It naturally seems counterintuitive that, after paying the city's personal income tax, which nowadays ranges up to 4.46 percent, folks were expected to turn around, reinvent themselves as an unincorporated business, and pay the same jurisdiction another tax—a flat 4 percent—on the exact same income. No other American city has anything like this.

Double taxation is an old and unoriginal theme among people who complain about paying taxes, but most of the deals they groan about involve a certain amount of indirection by the taxing authority. It takes a modicum of fiscal sophistication to appreciate, for instance, that taxes on both dividends and corporate income amount to double taxation. But to see the UBT as double taxation requires no heavy thinking at all, and anyway, the Department of Finance cheerfully admits it. I had a conversation recently with Deputy Mayor Randy Mastro, who led the Giuliani administration lobbying effort in Albany to cut back the UBT, and he allowed at one point that the tax "could be viewed as double taxation." Since he was otherwise being extremely helpful, I declined to scream at the "could be viewed."

Many who complain about double taxation seem to be under the impression that it is illegal or unconstitutional. Alas, not so. A number of cases New Yorkers have brought have argued that imposing double taxation on any particular class of taxpayers violates the federal Constitution's due-process clause. The New York courts have endlessly rebuffed that argument, often citing Justice Oliver Wendell Holmes's dictum that, barring confiscation, "the Fourteenth Amendment no more forbids double taxation than it does doubling the amount of a tax." In fact, until a years-long lawsuit put an end to it, the partners in some law and investment banking firms who were themselves incorporated as individuals were being *triply* taxed—paying, on the same income, the unincorporated business tax, the general corporation tax, and the personal income tax.

Until 1966 the city had neither a personal income tax nor an unincorporated business tax. When John V. Lindsay ran for mayor in 1965, his platform featured a "no new taxes" pledge. But early in 1966, to almost no one's surprise, he sought Rockefeller administration approval for a new personal income tax and for increased business taxes. When Rockefeller resisted, Lindsay threatened vaguely to "take to the streets" to remind voters that Albany was responsible for the disasters that would occur were his fiscal package not enacted. Asked about his "no new taxes" pledge, he answered that he viewed the taxes as a last resort—and "the last resort is here." He defended the tax hike with what a *New York Times* reporter called an "apt quotation" from *Troilus and Cressida*: "He that will have a cake out of the wheat must needs tarry the grinding." But for that quotation to make any sense at all, you need to share the mayor's assumption that taxpaying New Yorkers were demanding more "cake," or social services, from the system. Quite the reverse: taxpayers viewed the huge enlargement of the city's Great Society programs with dismay.

Albany ultimately gave Lindsay permission to impose a personal income tax, at rates ranging from 0.4 percent to 2 percent (less than half of what they are now). His request for new business taxes ultimately led, via serpentine political meanderings, to the unincorporated business tax—a tax modeled on the state's own UBT. The state phased out its UBT in the late seventies, even as the city tax began to look permanent.

In its original 1966 version, the city UBT exempted most self-employed professionals on the ground that their income was in effect personal compensation like that earned by salaried professionals. The statute specifically excluded "the practice of law, medicine, dentistry or architecture and the practice of any other profession in which capital is not a material income producing factor and in which more than eighty percentum of the unincorporated gross income . . . is derived from personal services actually rendered by individuals or members of the partnership or other entity."

So whom was the 1966 UBT supposed to cover? Mainly small, mom-and-pop stores, plus the occasional larger enterprise willing to forgo the advantages of limited liability in an effort to duck corporation taxes. But I could not help noticing that self-employed writers ultimately got collared by the 1966 law. In the long-drawn-out case of a writer on foreign affairs named William R. Frye, the New York State Court of Appeals ultimately decided that writers and journalists aren't true professionals like doctors and lawyers: they lack licensing, advanced degrees, or any special course of study. How true. But what about that 80 percent rule? It didn't help Frye, who lost his claim for exemption and got clobbered for back taxes.

In December 1966, with his new income tax and UBT in place, Lindsay told the *New York Times* that the city was approaching the outer limits of its ability to raise taxes. He echoed the same theme endlessly during his 1969 run for reelection. In 1971, again to no one's surprise, he began a successful push to enlarge the ambit of the UBT—specifically, to get doctors, lawyers, accountants, Wall Street firms, and other professionals covered by the tax. Hilariously or otherwise, self-employed writers and journalists now counted as professionals. The 1971 act, which hugely beefed up the UBT's revenue-raising potential, in essence created the law that has endured until now.

Lindsay's reason for going after professionals was obvious: the city, collapsing under the weight of its social programs, thirsted for any new tax revenues it could seize. But along the way, an elaborate rationale for the tax has grown up. The argument is that New York is different from most large cities. In most places, "big business" means a bank, an airline, a utility, or a manufacturing company—all of which will surely be incorporated. But in the Big Apple, big business more often means brokers or accountants or law firms—many of which are partnerships. These days the biggest partnership of all is Goldman, Sachs, which hopes and believes it will earn around $3 billion in 1997 (and which is almost certainly the single largest payer of the UBT). So if you want to tax organizations like Goldman, you need something like the unincorporated business tax.

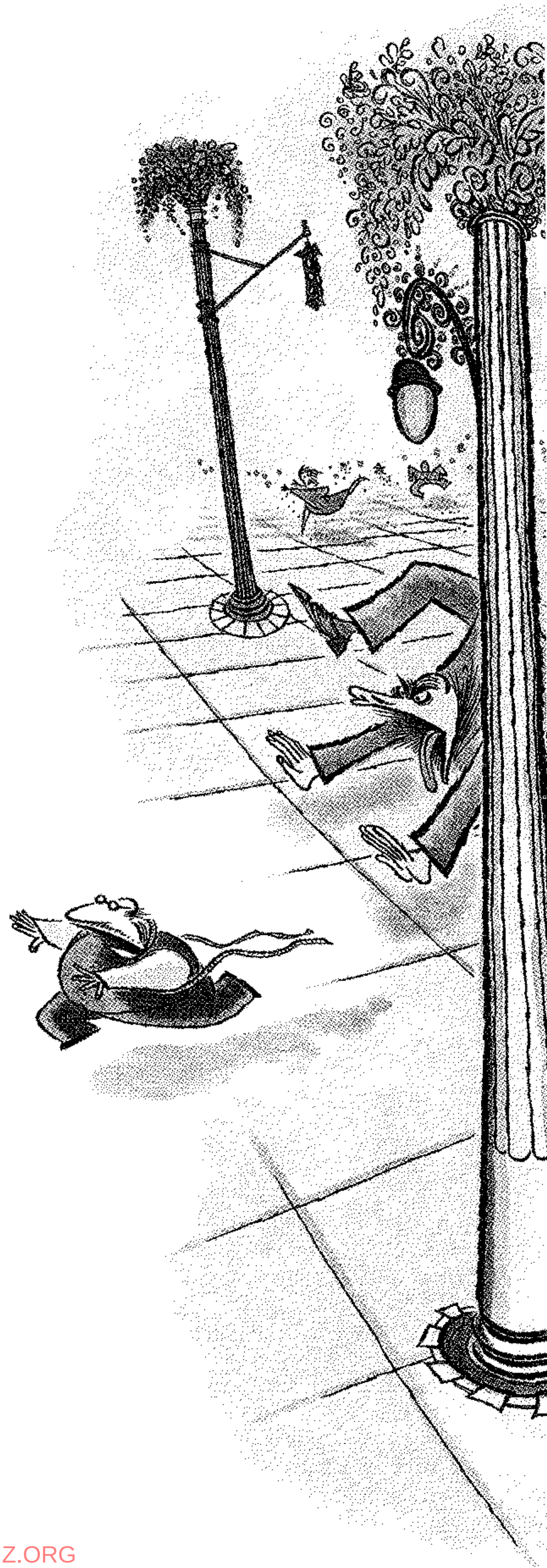
In this vein, Professor Dick Netzer of NYU's Graduate School of Public Service, citing the "unusual structure of the New York City economy," contended in a recent paper that he found the tax quite plausible. The paper took a long look backward at the origins of the tax and argued that the state and city could not have limited their business taxes to corporations. Netzer's bottom line: "In New York . . . to tax only the income of corporations was to ignore the income of some of the most important and profitable sectors of the economy."

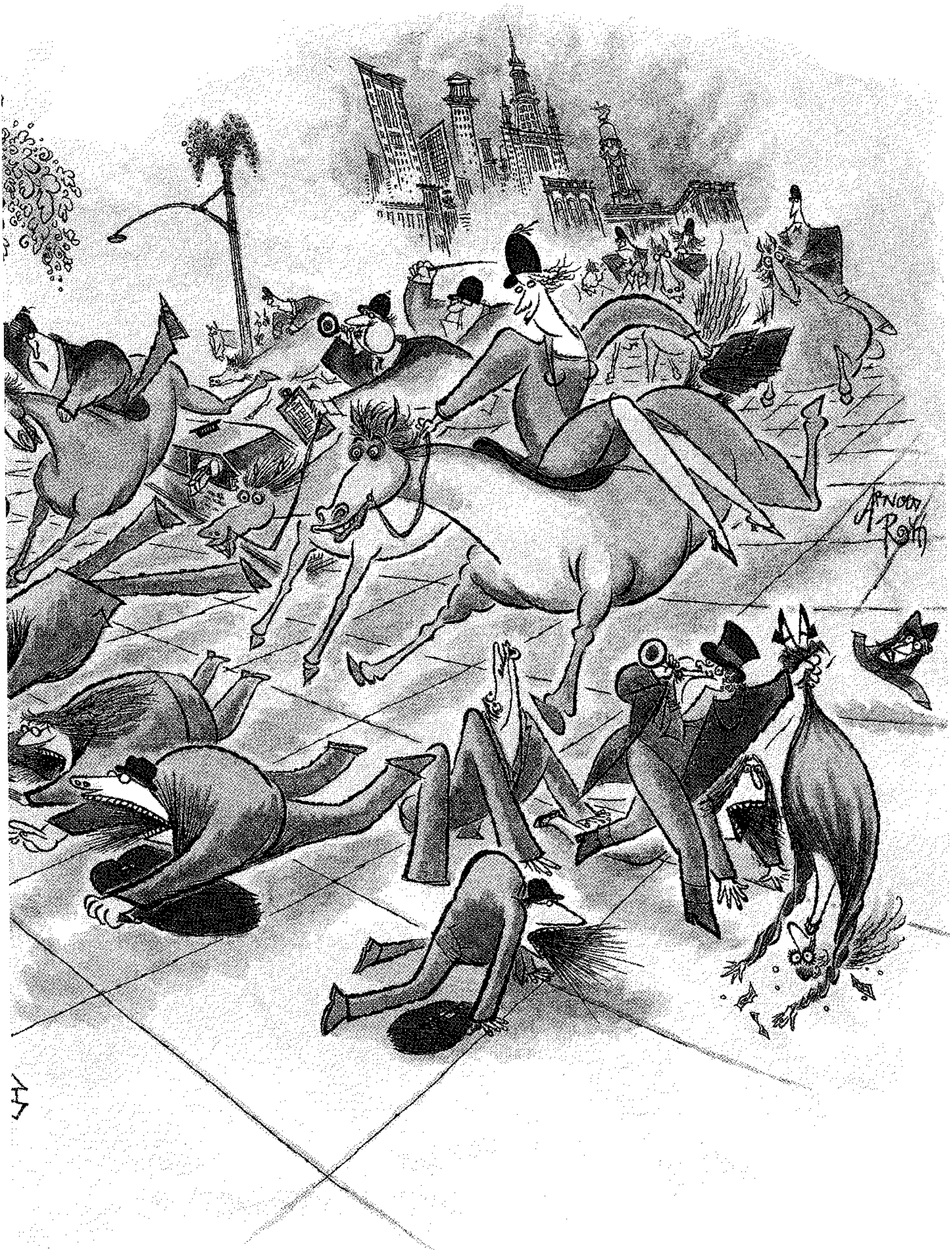
That sounds reasonable enough at first blush. And yet there is a certain tension between this section of Netzer's paper and another of its major themes, the broadly depressing effect of taxes on economic activity in states and metropolitan areas. The UBT has of course never been a tax that could be viewed in isolation. Instead, to employers who had any options at all about where to locate, it came across as just another horrifying feature of the basic high-tax proposition that left the city and state looking so ugly. In another section of his paper, Netzer serves up some fascinating data quantifying this effect. "Taxes matter a lot," he writes. "If state and local taxes in a state amount to 12 percent of gross state product (GSP), close to the New York level, . . . a $1 billion reduction in the overall level of taxes in that state should increase GSP over time by $3.3 billion." The UBT has been part of the package that depressed GSP.

Even if you accept Netzer's highly debatable case for a UBT targeted at big business, New York–style, it doesn't explain why the city should have been taxing non-big business: the self-employed professionals, mom-and-pop stores, struggling entrepreneurs, and thousands of other small operators who are the source of much of the vigorous job growth in the rest of the nation and who would not be doubly taxed by their cities anyplace else in America. And the ultimate folly of taxing guys like me, to get personal again, is that we don't generate much revenue. UBT revenues come overwhelmingly—72 percent in a 1993 study—from a relatively small number of large partnerships, mostly in finance and law.

The Giuliani administration's UBT tax cut has taken advantage of this arithmetic and adds up to great politics as well as great economics. As noted above, the administration has totally liberated 10,600 filers—those under the $55,000 line. It has also given varying amounts of relief to another 18,000 filers. Even the remaining UBT payers get a break, in the form of lower personal income taxes. (See the box below for further details.) Of the 31,000 UBT returns filed each year, 34 percent will now be free of the tax, and another 58 percent will get some real relief from it. And this has been accomplished by giving up only $75 million of city tax revenues—an amount equivalent to 14 percent of the $550 million generated by the UBT. Great numbers for a guy running for reelection.

In adding up the benefits of the tax cut, don't forget to count another big one: the reduced exposure New Yorkers will have to the user-




Arnold Roth

hostile agency that administers the UBT, the Department of Finance. DOF, which also collects the city's general corporation tax, its property taxes, and its parking tickets, has been a vexatious minor theme in my life for the past ten years. Typical encounter: it is a day last October, and I am under heavy deadline pressure. Alas, the morning mail brings a notice stating that DOF is auditing my 1995 return and demanding certain documents. "To complete our desk audit, the following information is required: Copy of federal Schedule C, form 1040, all schedules. Breakdown of taxes deducted on your federal Schedule C, form 1040, listing each tax separately."

The notice is bewildering on two counts. First, DOF already has my Schedule C—I attached it to my UBT return, as required. Second, I have never deducted any taxes on Schedule C. I anxiously call the auditor who signed the letter. When I reach her extension, there is no answer, so I start to leave a message. But in the middle of this process, she suddenly comes on the line. It turns out that what really concerns her is whether my listed business expenses include any payments for "taxes and licenses." I say no, of course not, and point out that I have left blank the line where one would list such expenses. She says fine, but then requests that I fax her a copy of the letter she sent me, also a copy of my federal Schedule C. I hasten to comply and am too polite—too intimidated, really—to point out that she already has copies of both documents. A few days later I get a call from the auditor, who says she is returning a phone message. It is instantly clear that she has no recollection of our previous conversation and has not looked at the stuff she told me to fax in. Par for the course.

Even the most routine communications from DOF can leave you scratching your head. For example, the agency has endless trouble with its quarterly estimated-tax deadlines. Unlike most

How the Tax Cut Works

The standard deal for UBT filers over the years has required them to start with the net business income reported on federal Schedule C, to reduce it by $10,000 worth of exemptions, and then to pay a flat 4 percent on the balance. The new deal begins with an $1,800 credit for taxpayers who live in New York City—a figure that effectively gets you out of UBT territory if your business income is $55,000 or less (because $55,000 minus $10,000 equals $45,000, and 4 percent of this amount is $1,800).

The deal further provides that the $1,800 credit is available to taxpayers with unincorporated business income as high as $90,000. At that level, the taxpayer previously paid 4 percent of $80,000, so his tax would be $3,200. With the $1,800 credit, this figure is reduced to $1,400.

But the tax cut in Albany does not stop there. All payers of the UBT—no matter how high their unincorporated business income—may now take a percentage of tax they pay as a credit against their New York City personal income tax. A complex formula written into the new tax law provides different percentages for UBT filers at different income levels. At the lowest levels, the filer can take 65 percent of his UBT tax as a credit against his personal income tax. At $90,000, the number is 46 percent. And once you hit the highest level of $142,000 or more of taxable income, the credit drops to 15 percent.

Since the new law places no income cap on this figure, even Goldman, Sachs partners, whose income this year is expected to average around $16 million apiece, will get a tax break if they live in the city. At $16 million, the break would have a net value (after adjusting for lower federal deductions) of maybe $65,000. One somehow senses the Giuliani administration will not be touting that figure.

tax jurisdictions, which give you all four forms for quarterly payments at the beginning of the year and ask you to mail them in on the required dates, DOF mails out the UBT forms each quarter—but often either sends them after the date on which payment is due or sends them in time but misstates the due date. Last year it sent out a notice promising to correct the system error responsible—then made the same mistake this year.

And if you want a real headache, try initiating a communication with the department yourself. A recent *Newsday* survey of "wait time" for citizens trying to reach city agencies by telephone showed DOF worst of all, with an average wait of 27 minutes. My own recent experiments show that any effort to reach a live representative invariably ends with a recorded announcement stating that you can anticipate a 40-minute wait—a figure that doesn't appear to change at any point during the day.

Arguably more vexatious is the agency's strong-arm approach to collecting taxes from suspected delinquents. DOF typically identifies suspects by extensive computer cross-matching with state and federal tax authorities. But—a chronic problem over the years—it mails many of its bills to out-of-date addresses, and when the intended recipients do not respond, it hits them with late-payment charges. Worst of all, DOF sometimes bills taxpayers for amounts that are largely guesswork, based on what businesses of the same size have paid. When a 1995 case triggered challenges to this practice, a DOF spokesman responded: "In the collection business, we want people to pay, so whatever we think is likely to get the taxpayer to respond is something we're going to make use of."

But DOF's aggressiveness has given way to a curious passivity about notifying taxpayers of the recent tax cut. The reduction was a done deal in the first week of August, and Governor Pataki signed it into law on August 26. But as of October 1, DOF had still not broken the good news of their diminished liability to its constituents (most of whom meanwhile had made September 15 estimated-tax payments). Nor had the press mentioned the new tax rules.

One final problem bedevils unincorporated businesses that do part, but not all, of their business in the city. In principle, each business may differentiate between income earned in the city (and subject to the UBT) and income earned elsewhere (which is exempt). *Newsday* publicized the exemplary case of an optometrist named Edward Rubin, who had offices in both Brooklyn and Long Island. DOF insisted on taxing his entire income, even though more than one-third of it was attributable to Long Island business. Though Rubin ultimately won his case in court, victory came only after many months, during which DOF computers kept billing him and ignoring his responses, and the city attached his bank account. Rubin ended up closing his Brooklyn office.

The incumbent DOF boss is Fred Cerullo, who at this writing is on leave to work in the Giuliani reelection campaign. Cerullo is a Republican with close links to Staten Island's Molinari family and a prior record of acting appearances in ABC-TV soap operas. He has also been a member of the City Council (from Staten Island) and has served briefly but memorably as head of the city's Consumer Affairs Department. There he made news in a crusade against salad bars that counted the weight of the salad containers, and not just of the salad itself, in calculating final prices to salad eaters.

Giuliani named Cerullo commissioner of finance two years ago and charged him with the mission of making the department more "user friendly" (a term that recurred in the news stories about his appointment). Had he been willing to talk to me—he canceled our one appointment and declined to return any of my three telephone requests for a rain check—I would surely have mentioned that I personally discerned no signs of augmented amity for users. I might also have asked whether his *All My Children* role as an orderly at an insane asylum was in any sense helpful in preparing him for his present position.

But I probably would have lost my nerve. ●

Urbanities

Now They're Deconstructing the Columbia Campus

David Garrard Lowe

In his brilliantly quirky polemic, *Kindergarten Chats*, the great Chicago architect Louis Sullivan warned, "Our architecture reflects us, as truly as a mirror." The truth of that statement may be observed in various construction projects now under way on New York's Morningside Heights, culminating—if that is the right word—in the new student center that Columbia University is building to the designs of Bernard Tschumi on Broadway at 114th Street.

At the northwest corner of Amsterdam Avenue and 112th Street has stood since 1976 a structure whose architects, Kennerly, Slomanson & Smith, carried Mies van der Rohe's statement that "less is more" to its dwarfish conclusion. The gray, unadorned walls of Amsterdam House proferred no solace to those entering this nursing home, but rather proclaimed that they would soon be reduced to the ashes that inspired the facade's palette. Yet now something cheerful is rising between the old Amsterdam House and the Avenue.

The new 13-story addition to Amsterdam House, designed by Barbara Geddis of the Geddis Partnership in Stamford, Connecticut, is of bright red brick, enlivened by limestone string courses, moldings, quoins at the corners, and a cornice. Here is the articulate face of classicism, all those flourishes that once endowed the most modest building in New York with dignity and charm. And, as Geddis points out, it echoes the red brick classicism of the Columbia campus two blocks to the north. The putative reason for the banishing of this architectural humanity is always that it costs too much, but Geddis counters: "We brought in Amsterdam House at $178 per square foot, which, considering the quality, is very reasonable." This is less than what a modern New York City office building costs to build.

Directly across Amsterdam Avenue sits the titanic bulk of Ralph Adams Cram's French Gothic Cathedral of St. John the Divine, its cornerstone laid in 1892. The Second World War delayed construction, as did the decision of a bishop to spend diocesan funds on social work rather than architecture. But when construction was begun again in 1979, it resumed in Cram's style. Now, with cut stone upon cut stone, the south tower slowly—and gloriously—rises in Gothic grandeur towards its 266-foot goal.

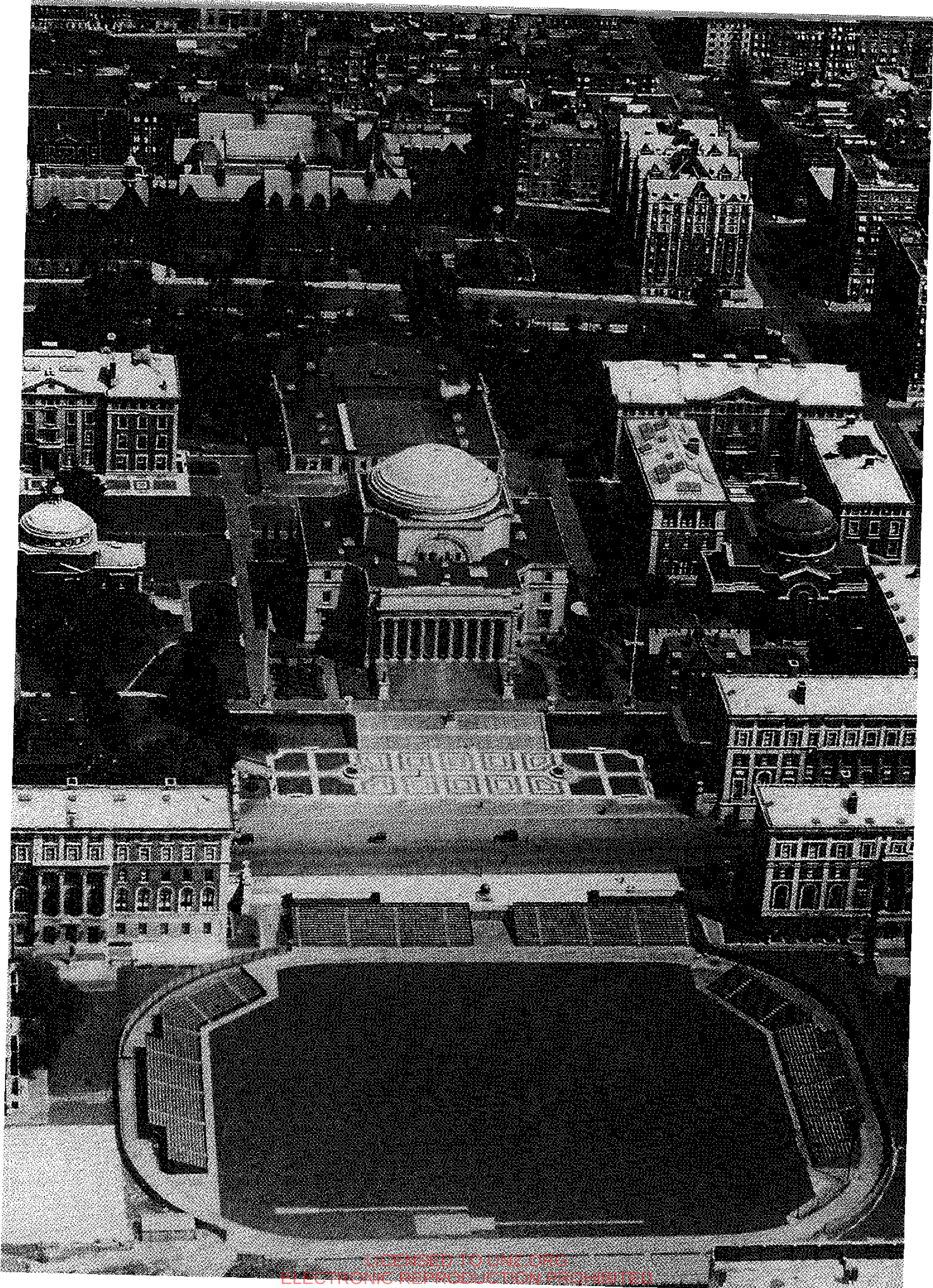
So facing each other across Amsterdam Avenue at 112th Street are the two fundamental architectural styles of Western civilization, the classical and the Gothic, vibrantly alive and giving pleasure and inspiration. They are an illuminating prelude to the aesthetic beauties and beasts of the Columbia campus. Founded as King's College under the aegis of Trinity Church in 1754—it was renamed after the Revolution—Columbia, like many New York institutions, slowly moved up Manhattan Island along with the city's population. In 1857 it had made the momentous decision to quit its campus on Park Place in lower Manhattan for a midtown block bounded by Park and Madison Avenues and 49th and 50th Streets.

No sooner had Columbia settled into its new, discreetly Gothic home than its trustees realized that there was no room to expand, given the soaring value of midtown real estate. The college's nearby tract, which became Rockefeller Center, had become far too valuable as income-producing property to use for classrooms and dormitories.

The man whom Columbia College selected as its president in 1890 did not waste time wondering how the college might add a block here or a building there. Seth Low was splendidly equipped to transform the school from a small, somewhat parochial college to a metropolitan university. An 1870 Columbia graduate, he had served two terms as mayor of Brooklyn and would become, in 1898, the first mayor

Columbia never completed McKim's grand campus plan.

CORBIS-BETTMANN



of the newly consolidated City of New York. Just 40, he had made a fortune in the family's tea and silk importing business and was now ready to throw his boundless energies into civic concerns. One spur to his ambitions for his alma mater was his embarrassment that a city as big and rich as Gotham had nothing to compare with the University of Pennsylvania or Harvard.

Columbia's search for space coincided with one of the most spectacular migrations in New York's history. Harlem Heights, some 100 feet above sea level, was Manhattan Island's highest point. Its largely undeveloped tracts, stretching from 110th Street to 125th Street between the Hudson River and what became Morningside Park, contained 17 acres occupied by New York Hospital's Bloomingdale Insane Asylum. Low saw the opportunity these "four undivided city blocks . . . nobly situated on the crown of the Island" offered, and quickly raised $2 million to purchase them in 1892.

Low was prescient: at that very moment, other august New York institutions were planning to relocate in the vicinity. The year before Columbia purchased the asylum property, the Episcopal Diocese of New York had bought the Leak and Watts Orphan Asylum as a site for the new Cathedral of St. John the Divine. Teachers College, St. Luke's Hospital, Barnard College, the Jewish Theological Seminary, and Union Theological Seminary all eventually arrived. In 1897 John H. Duncan's imposing tomb for Ulysses S. Grant rose on a nearby bluff above the Hudson. Thus, in addition to its scholars, priests, rabbis, and doctors, Morningside Heights, as it was renamed, could also claim New York City's only presidential grave. No wonder that by the turn of the century, guidebooks to the city were calling the Heights Gotham's "Acropolis."

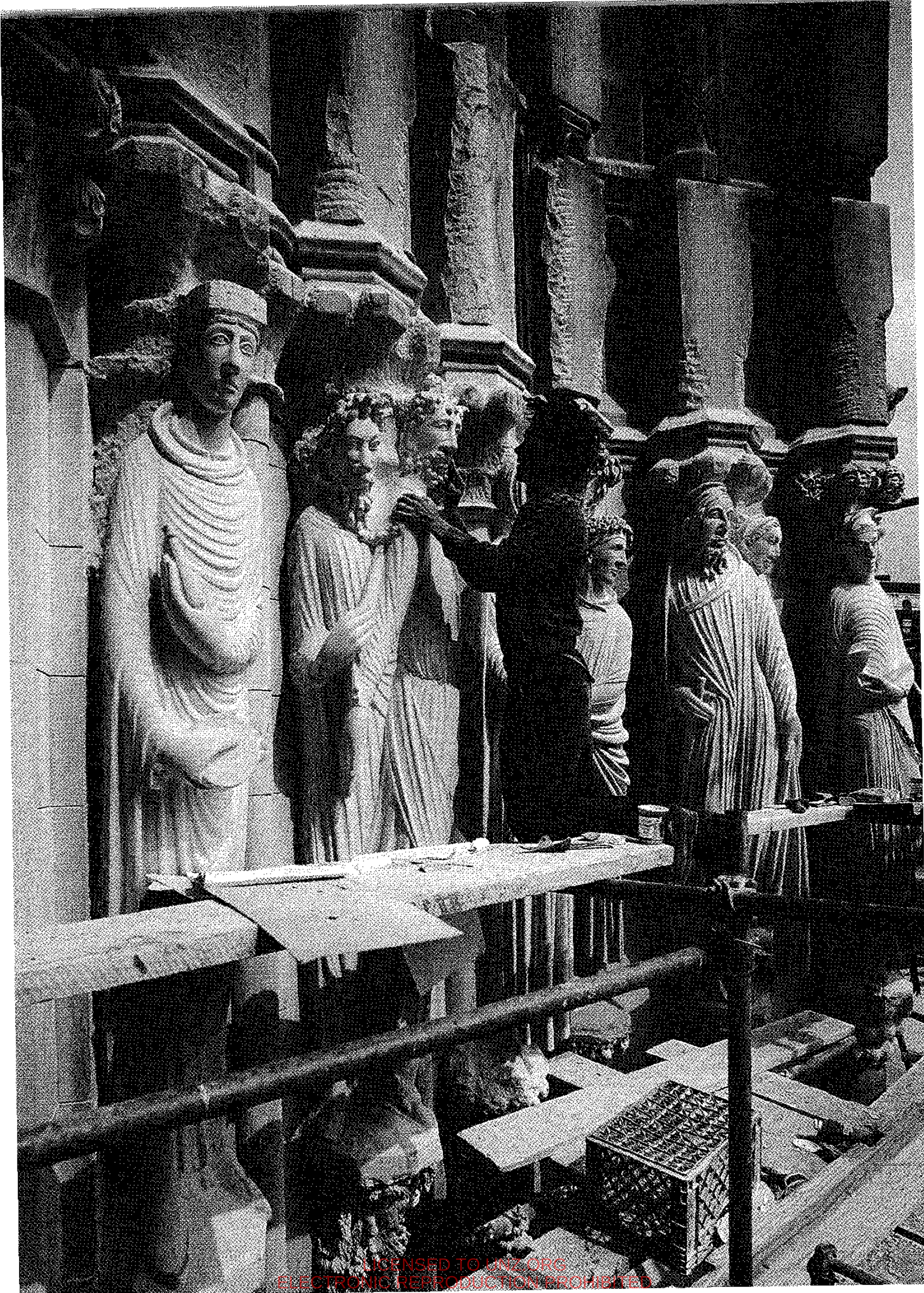
Seth Low was determined that the development of Columbia's spacious new site would not be haphazard. His model was the "Academical Village" that Thomas Jefferson had designed for the University of Virginia, consisting, as Jefferson had written in 1810, of "a small lodge for each separate professorship, . . . join[ed] . . . by barracks for a certain portion of the students, opening into a covered way to give a dry communication between all the schools. The whole arranged around an open square of grass and trees." Low's desire for a well-ordered campus reflected as well the triumph of Beaux Arts architecture and planning in the United States. Just at the moment that Columbia was mulling over the design for its new campus, the World's Columbian Exposition was taking form in Chicago. With its logical placement of buildings, its classically inspired architecture, and its uniform palette, the White City was a dazzling prototype.

President Low quickly sent letters to Charles C. Haight, Richard Morris Hunt, and Charles F. McKim, the founding partner of the renowned firm of McKim, Mead & White, asking them to work together to develop a comprehensive plan for the campus. Though Low knew all three architects well and had their esteem, this was, to say the least, a quixotic request: they were far too famous to cooperate. Not unexpectedly, each architect presented his own plan. While Haight and Hunt both opted for cloistered complexes vaguely modeled on Oxford, McKim—like Low, an admirer of the University of Virginia—found his inspiration in Jefferson's Academical Village. In addition, McKim brilliantly used the site's uneven topography to give his campus visual vibrancy. The high pink granite walls upon which his buildings sit are sometimes true terraces—necessary because of the slope of the campus—and sometimes merely the base of a building constructed to raise the structure it supports to the level of those buildings higher up the hill. Topped by urns and balustrades, these attractive walls give to the campus the ambiance of grandeur and elegance found in Roman villas.

McKim's Columbia campus differed in an important respect from Jefferson's University of Virginia. Appropriate to his almost rural setting, Jefferson arrayed his buildings in two long rows facing each other across a great lawn that swept

Building continues at St. John the Divine a century after it began.

TOM SOBOLIK/BLACK STAR



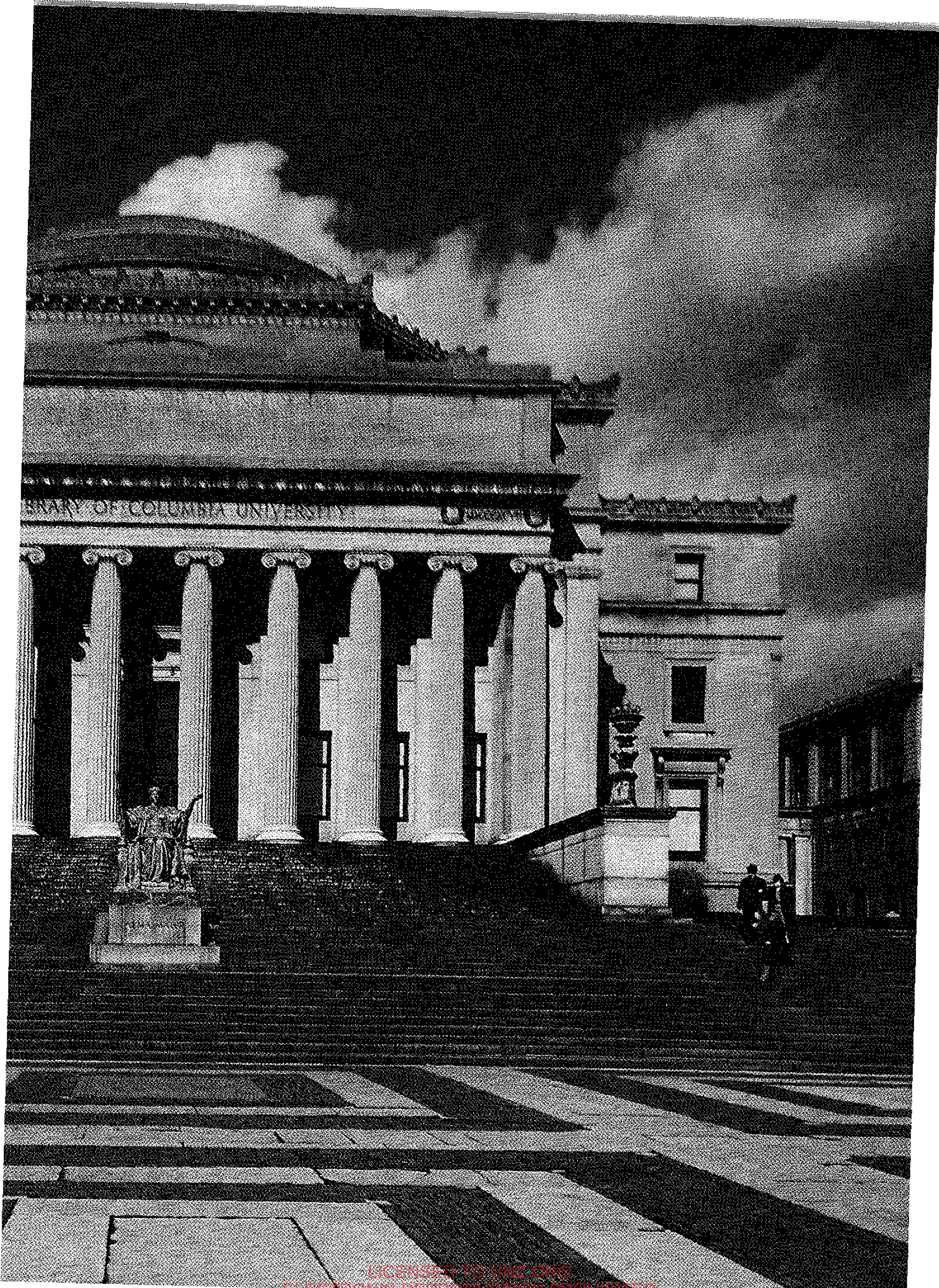
down from his "Rotunda" library. McKim arranged his buildings in four groups of four buildings each, forming a series of intimate courts near his library. To the south of the library was to be one larger court closed off by a building on 114th Street, bigger in scale than any other on the campus except the library that it faced. If Jefferson built an Academical Village, McKim's Columbia would be an academic city. To emphasize its links with New York and to underscore its mission to civilize it, McKim oriented his campus south towards the heart of Gotham.

McKim's plan was at one with Jefferson's in the wholehearted belief that the classical was the only appropriate style for schools that would educate the free citizens of a republic. Both Jefferson and McKim heartily embraced what the classical represented, the great tradition of Western civilization springing from its Judeo-Christian and Greco-Roman sources. Thus, the unity of the Columbia campus would be achieved by designing all the structures in a style of "pure classical forms expressing in the simplest and most monumental way the purposes to which the buildings were devoted."

Indeed, McKim, whose architect-hero was the restrained Bramante, favored an almost minimalist classicism, whose ultimate power lies in its per-

Low Library is a hymn in stone to the glories of Western civilization.

CORBIS-BETTMANN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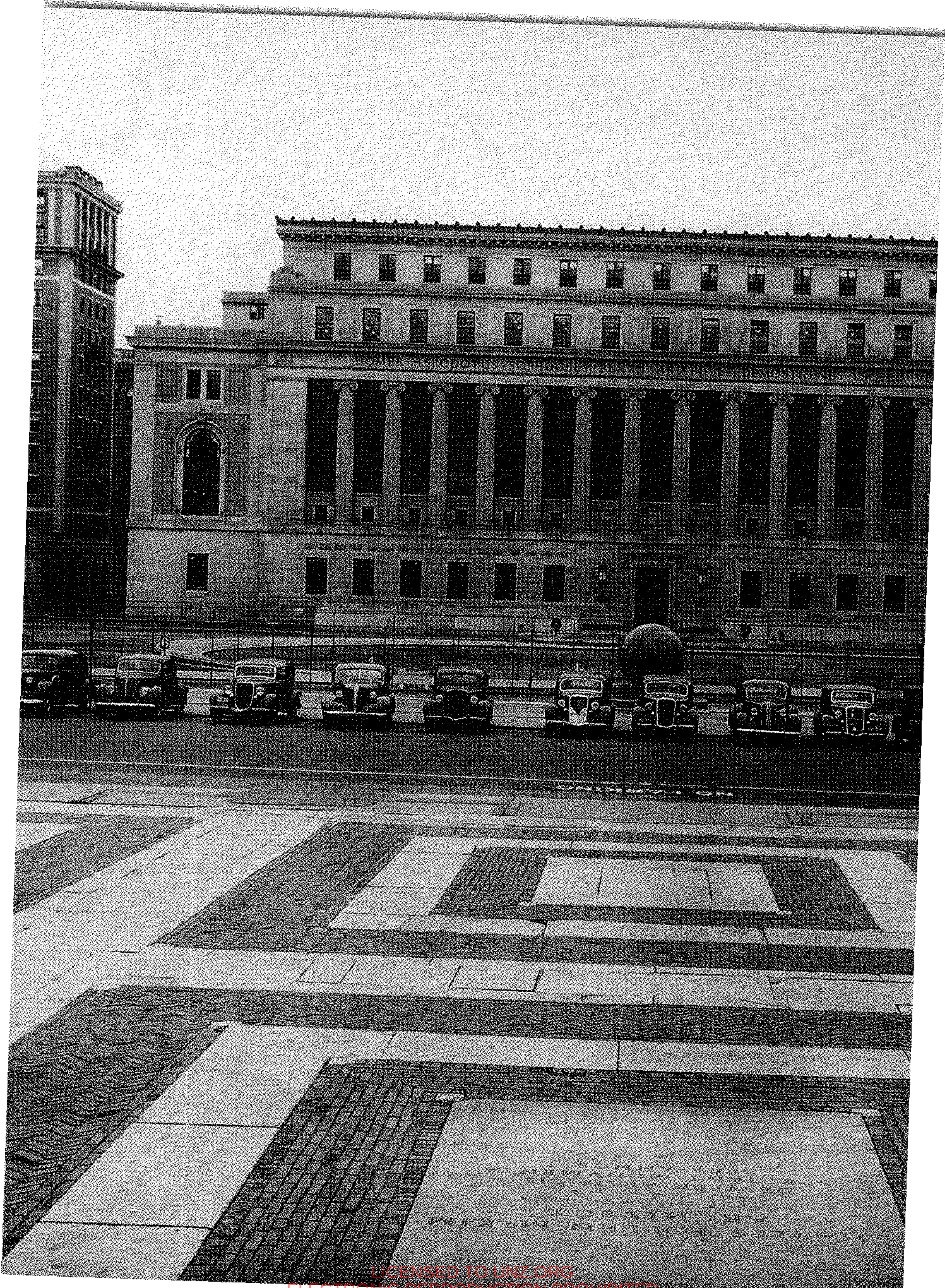


JOE PINE/COLUMBIA UNIVERSITY

fection of scale and the correctness of its details, as in the splendid facades of his Boston Public Library and his Pierpont Morgan Library in New York. Whereas his partner, Stanford White, was a flamboyant Gothamite, McKim always remained something of a sober, reflective Pennsylvania Quaker.

Columbia embraced McKim's proposal for the campus not only because it was attractive but also because it was practical. Both Hunt's and Haight's quadrangles had to be built all in one piece, something financially impossible for an institution that had just spent $2 million for real estate. McKim's plan could rise building by building as donors were found. In addition, since almost all of the buildings, except the limestone library, were to be of red brick with limestone trim and embellishments, they were inexpensive compared with the stone structures envisioned by Haight and Hunt. And McKim's plan had one final and delightfully persuasive advantage. His proposal to make each of his buildings slightly different within the same classical framework would make it easier for President Low to attract donors who would want to be remembered with a bit of architectural individualism.

To ensure that the library would take shape exactly as McKim desired and would set an inescapable style for the rest of the campus, Seth Low donated $1 million—one-third of his personal fortune—for its construction in 1895. It was to be a memorial to his father, Abiel Abbot Low, "a merchant who taught his son to value the things for which Columbia stands." The next year, at the dedication ceremony for the new campus, President Charles W. Eliot of Harvard proclaimed: "I congratulate the city, too, that its chief university is to have here a setting commensurate with the worth of its intellectual and spiritual influence."

Low Library is an extraordinary architectural manifestation of the intellectual and spiritual beliefs of the founders and sustainers of Columbia. It is essentially a Greek cross, symbolizing the Judeo-Christian roots of Western civilization. A true classicist, McKim yearned to have the Columbia campus adorned with statuary: before entering the library, one must pass before Daniel Chester French's *Alma Mater*, a larger-than-life-sized classical goddess, clothed in a flowing academic gown, with an open book on her lap, and—peeping out from the folds of her drapery on the left side—an owl, the symbol of the Roman goddess of wisdom, Minerva. Behind *Alma Mater*, a row of ten 35-foot-high Ionic columns of Indiana limestone screens the entrance to the library and trumpets the grandeur of Greek civilization. The Ionic order, as any graduate of the École des Beaux-Arts knew, was appropriate to libraries and other edifices relating to

Butler Library proclaims above its columns that there is a canon of great works.

arts and letters. Above the screen is no Greek pediment, but a Roman attic, adorned with an inscription telling of the founding of the university under the reign of King George II and, behind it, a thermal window recalling the Baths of Diocletian in Rome, a device that McKim would use later in his magisterial Pennsylvania Station. Capping the composition is a Roman saucer dome, some 73 feet across, the largest ever constructed in America.

Inside, to emphasize again the greatness of Western civilization, a white marble bust of Pallas Athena, the Greek goddess of wisdom, dominates the foyer. Low Library's reading room brilliantly echoes Rome's Pantheon, the only complete surviving building from the ancient world. It is an astonishing 105-foot-high octagon, with green granite columns topped by gold-washed bronze capitals. Above are 16 statues of such icons of Western learning as Euripides, Demosthenes, and Sophocles. Arching over all is the dome, painted in a color described by McKim as the midnight blue of the Egyptian sky, with stars upon it. Thus, the library encompassed the ancient Mediterranean world that was the basis of knowledge, as well as the infinite cosmos that it strives to explain.

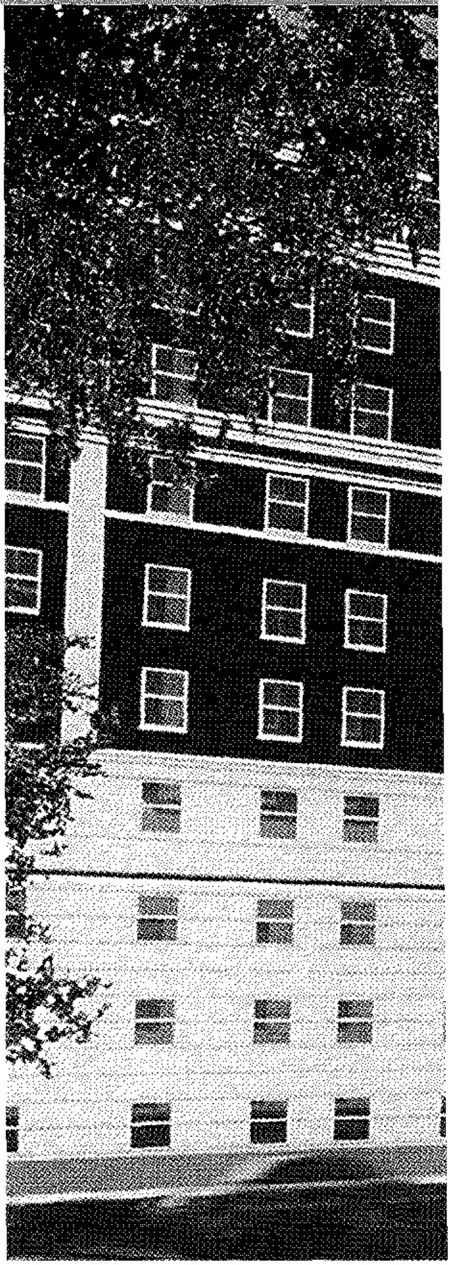
Alas, McKim's splendid scheme for the Columbia campus was never carried out fully. Only the ensemble formed by Avery, Schermerhorn, and Fayerweather Halls was completed to give an idea of the elegant intimacy that the campus might have possessed. McKim died in 1909, and his last building at Columbia, Hamilton Hall, opened in 1906. Though during the 1920s architects who succeeded McKim did some building in the style and tone that he had set for Columbia, much of the campus remained unbuilt. An aerial photograph of the 1930s shows wide open spaces to the north of Low Library and at the southwest corner of the campus along Broadway, and elsewhere it shows an uninviting scramble of open L- and U-shaped complexes, instead of attractive, human-scale buildings arranged in squares as McKim had planned.

Though Low Library functioned spectacularly as a symbol for Columbia, it was judged a failure as a functioning library. When it reached its designated capacity of 1.5 million volumes, the university claimed that McKim had made "no provision for expansion"—a curious charge, since just to the north of the library was ample space for the most up-to-date stack wing. But Nicholas Murray Butler, Columbia's president for the awesome period from 1902 to 1945, determined to build a new library, and when President Butler set his mind to do something, it was usually done. Butler Library, a 1934 creation by James Gamble Rogers, the architect of Yale's delightfully theatrical Harkness Memorial complex, rose on the campus's southern perimeter facing Low. Its bulk shattered the intimate scale that McKim had envisioned for his campus, and its limestone cladding violated his dictate that every structure on campus except for Low Library should be of red brick. But Butler has a number of redeeming qualities, especially its classical design and its screen of 14 Ionic columns that nicely echo those at the entrance of Low. In addition, Butler's facade boldly proclaims that there is a canon, a generally agreed-upon body of great works with which a student must be acquainted before he can be said to be educated. There above the columns, unashamedly, are carved in stone the names of Homer, Herodotus, Cicero, and Virgil, to name but four of the authors of those works.

One reason Butler looks so good is its contrast with the architecture of the buildings that Columbia added to its campus after the Second World War. Harrison and Abromovitz's 1963 Law School, for instance, is on so brutal a scale that its vast balcony seems created for a yet-unborn tyrant and makes Jacques Lipschitz's sculpture in front of it look like Mussolini, Hitler, and Stalin rolled into one and exploded. The dormitory that Columbia erected to the west of Butler Library in 1959—Carman Hall—has all the attributes of a high-rise housing project slated for demolition, while Uris Hall of 1964, just north of Low Library, is a characterless Brobdingnagian structure whose facade, with all the allure of a crematorium,

The classically embellished Amsterdam House addition cost less than an ordinary office building.

DAVID LUBARSKY/GEDDIS PARTNERSHIP



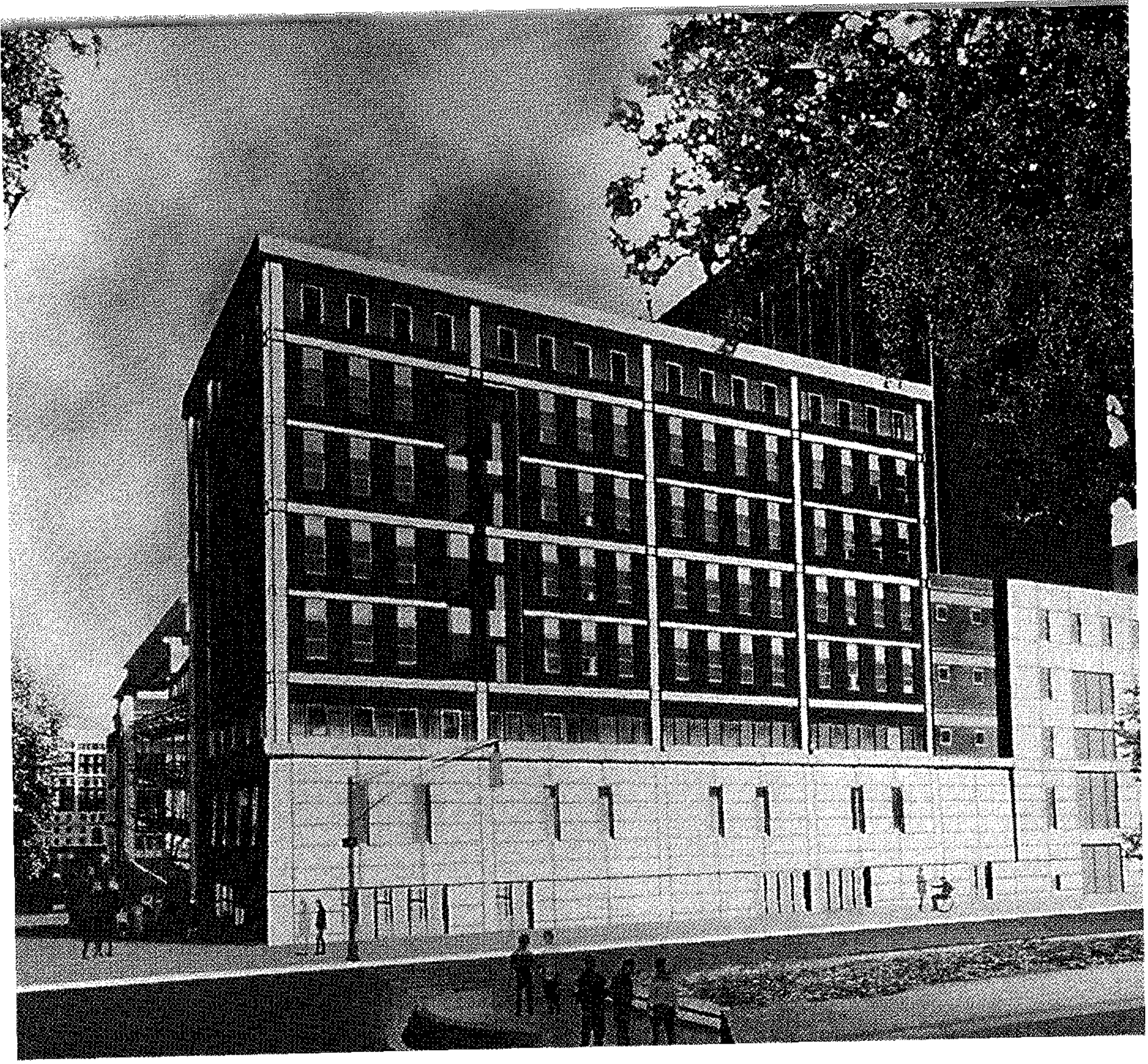
COURTESY OF COLUMBIA UNIVERSITY

bespeaks a place where people come not to begin their life's adventure but to end it.

Yet the curious and hopeful fact is that Columbia's administrators, to their credit, have become slowly aware over the past 20 years of the architectural failing of their campus's postwar buildings, with their inhuman scale, their central-planners' rationalism, and their shoddy materials. So when Columbia announced this year that it was going to construct a student center, a facility it long felt it needed for its 7,500 undergraduates, there was reason to be hopeful. To make way for the new structure, the university would tear down Ferris Booth Hall, an awesomely banal 1960 edifice just to the west of Butler Library. There was further reason for optimism when the administration assured New Yorkers that the new structure would be "in harmony with the architectural style stamped upon the Columbia campus 100 years ago." But for those who had hoped that Columbia might build something worthy to stand with Low Library or Hamilton Hall—much as the Jewish Museum on Fifth Avenue had replaced its gimcrack 1960s addition with a sumptuous limestone extension of its elegant French-Gothic Warburg mansion—disappointment lay in wait.

The architect chosen for the new $68 million Alfred Lerner Hall was Bernard Tschumi, dean of Columbia's architecture school, who had made a reputation as a practitioner of "deconstructionist architecture" with projects such as his "Follies" in Paris's Parc de la Villette. He was one of the architects in the 1988 Museum of Modern Art exhibition that first brought deconstructionism to public attention. Though its adherents claim that it is "a style that is not a style," it is indeed a style—one that stems from the constructivist art and architecture that flourished briefly in Russia in the wake of the 1917 Revolution. Deconstructionism in architecture, as in literature, is an attempt to challenge—indeed, to demolish—the accepted norms and standards not just of art but of the entire culture. Mark Wigley, associate curator of the Modern's exhibition, announced that deconstructionism was an attempt to "disturb our thinking about form" and attack the accepted forms of architecture because "architecture is a conservative discipline." As for Bernard Tschumi himself, in *What Is Deconstruction?* he comes out squarely for a "posthumanist architecture." Posthumanist: a chilling proposition.

In defending their selection of Tschumi, the Columbia administration explained that it did not want to "replicate" Charles F. McKim's buildings—though McKim, like any great architect, never hesitated to draw on the legacy of the past. It also, somewhat defensively, ruled out any postmodern flourishes of pediments or columns. Indeed, recently the university forbade Robert A. M. Stern to use a red brick that would match McKim's material for the new dormitory that he has designed for the university, in favor of an expensive and hard-to-find pale-colored brick that would echo the surrounding neighborhood apartment buildings. So sensitive has the university administration become to charges that it is once more creating an aesthetic disaster with Lerner Hall that any mention of Barbara Geddis's addition to Amsterdam House meets with an instant dismissal of it as "Disneyland architecture." With sublime doublespeak, the



On the Broadway side, Lerner Hall is a tongue-in-cheek essay in classicism, . . .

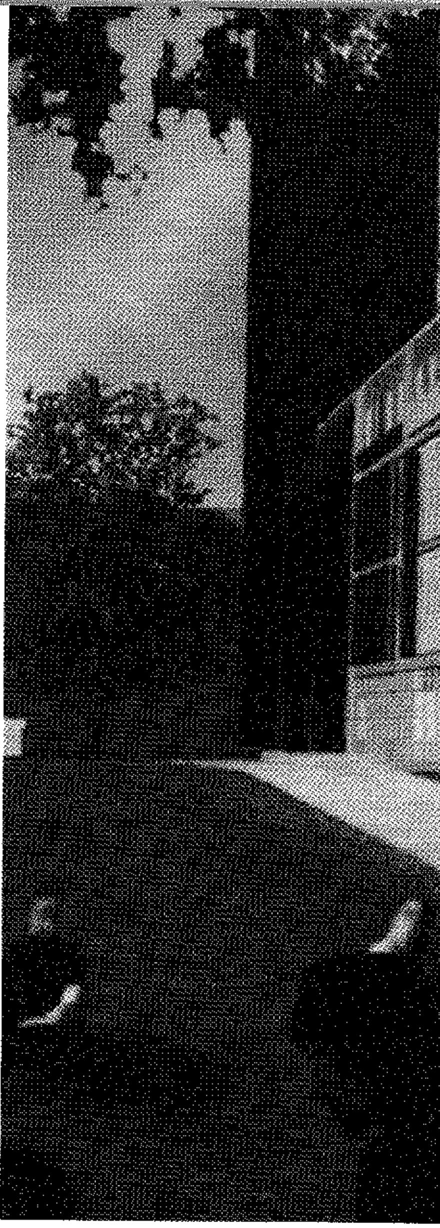
Columbia Construction News of April 29, 1997, heralded the fact that "to design Columbia University's new student center, Bernard Tschumi and his project associates, Gurzen Samton, had to solve a paradox: create a building that upholds tradition even as it breaks it."

Tschumi does indeed break, or deconstruct, tradition. Just to show that he knows what he is attacking, the architect has, on the Broadway side of Lerner Hall, designed an urbane brick and limestone facade that blends nicely with its neighbors, Furnald Hall and the Journalism School. Its cornice line rises to the level of the older buildings, and together they form an impressive ensemble. This portion of Lerner will house offices for student organizations, a cinema/assembly hall, and a bookstore.

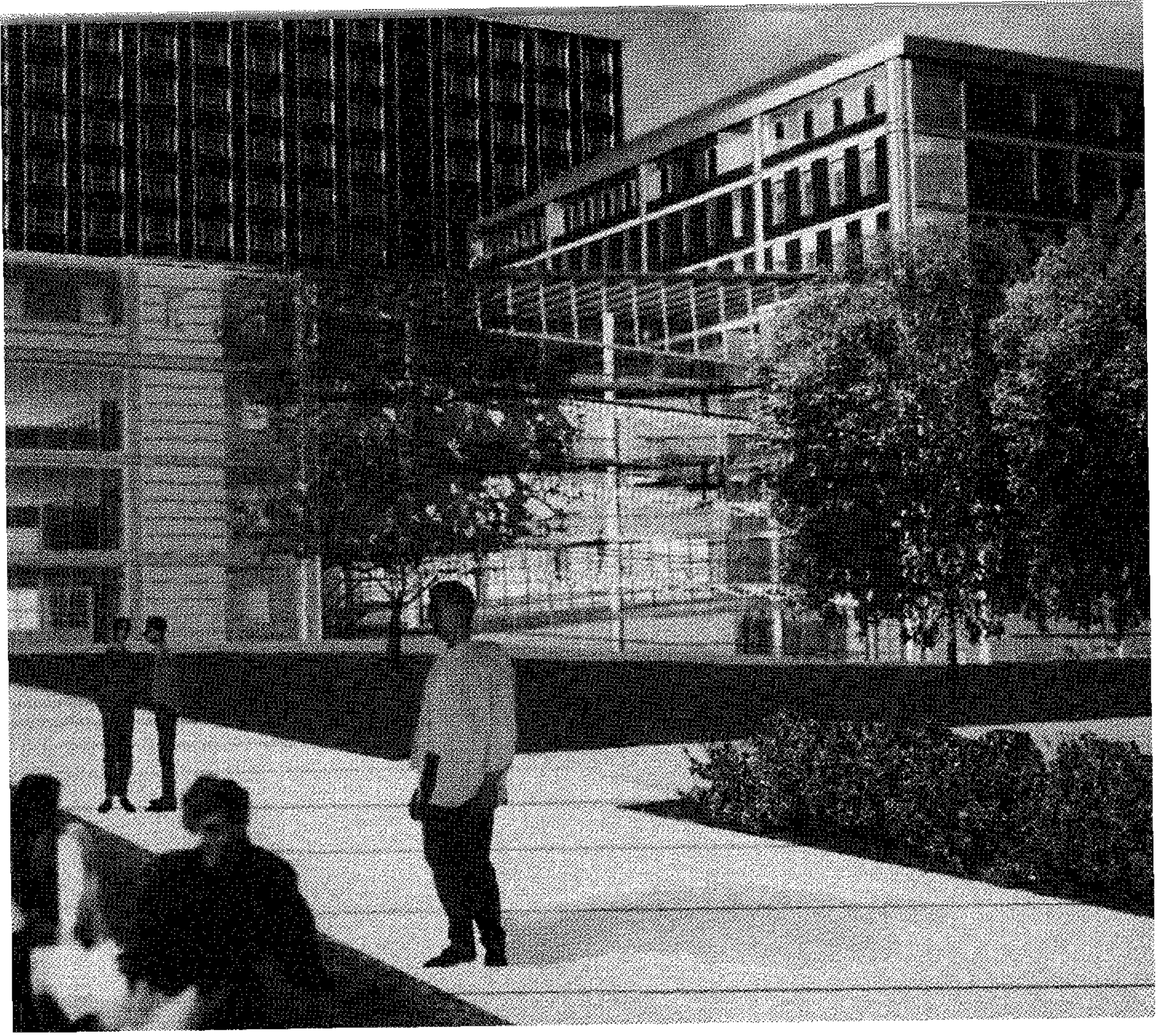
But it is within the precincts of the campus, adjacent to Butler Library and facing Low, that the trouble begins. Tschumi claims that, in order to be true to the solid-void-solid of McKim's intimate courts, he has broken his building in two. The section near Butler has a facade that is everything the Broadway side is not: it is an agitated, irrational mix of limestone, brick, metal, and glass, in disturbing refutation of the sober (if tongue-in-cheek) classicism of the Broadway side. Here will be housed, among other things, a "24-hour dining/night spot." This section and the Broadway side of the building are supposed to be seen as contemporary versions of McKim's Avery and Fayerweather Halls. The void between them will be not a courtyard but "The Hub," a crystalline box protected from the elements by a six-story window wall of 12-foot-high panes. Inside, 100-foot-long glass ramps will rise and fall between the two sides of the building, so that the whole structure will look vertiginous from outside, giving the impression of an edifice on the verge of a nervous breakdown. "The Hub" will also be the site of all student mailboxes. The engineer for this technically impressive exercise is none other than the Eiffel Company of Paris, responsible in better days for *the* Tower. "We want Lerner Hall to re-create the feeling of the Low Library steps on a warm spring afternoon," explains Emily Lloyd, Columbia's executive vice president for administration. The Hub will, according to Ms. Lloyd, help "students, faculty, and staff feel a sense of community and intellectual energy."

The decision not to "replicate" McKim's buildings, not to embellish the facade of Lerner Hall with a pilaster, a pediment, or even the name of a single artist or philosopher or scientist from the ancient or modern world—Galileo, Proust, or even, heaven forbid, McKim—is no mere matter of bricks and mortar. In his brilliant introduction to the reprint of the lavishly illustrated, four-volume *Monograph on the Work of McKim, Mead & White*, originally published between 1915 and 1920, architectural historian Leland Roth revealed the true cause for the destruction of Pennsylvania Station in the 1960s: "The classical forms that McKim had evoked in his design for Penn Station had originally lent the building authority; in the building's declining years the very same forms made it suspect."

In other words, McKim's classical vocabulary is just as politically incorrect as those courses in Western civilization that Stanford University unceremoniously dumped in response to the cry: "Hey hey, ho ho, Western culture's got to go!" Down with Aristotle and Athena, with Cicero and columns, with Plato and pediments. The deconstruction—the destruction—of the canon of Western culture includes architecture as well as literature and philosophy. McKim's buildings, Yale art historian George Heard Hamilton wrote, "have become valued civic monuments, providing continuity as well as dignity to our changing urban environments." Dangerous words, those: "valued," "civic," "continuity," "dignity." Their day is past. That is the real lesson of Lerner Hall.


COURTESY OF COLUMBIA UNIVERSITY

To understand how far things have slithered down the slippery slope, it is instructive to recall Philip Johnson's preface to the catalogue of the Museum of Modern Art's deconstructionist exhibition. Deconstructionism, Johnson proclaimed (with his perennial taste for decadence), eschewed perfection and celebrated "violated perfection." What a contrast to the words of the great nineteenth-century critic Matthew Arnold, who, in his seminal essay, *Culture and Anarchy*, wrote: "But the aspirations of culture, which is the study of perfection, are not satisfied, unless what men say, when they say what they like, is worth saying—has good in it, and more good than bad." But in a world without accepted canons or rules, a world of relativism, how is one to judge what is good and what is bad? And here is the



. . . **which architect Tschumi deconstructs with a vengeance on the other side.**

nub. The very essence of deconstructionism and the new curriculum is to let the popular and currect values of the world dictate the values of the academy.

When, in June of 1904, Columbia awarded Charles F. McKim a doctorate of letters, the citation read: "eminent for devotion to the ideals of classic art, for the dignity and stateliness, the refined proportions and studied detail of his works; for the largeness of his conceptions and for consistent avoidance of the fripperies and mannerisms of passing fashions." That is exactly what Arnold meant when he stated the true purpose of a university and of civilization: "But culture indefatigably tries, not to make what each raw person may like the rule by which he fashions himself; but to draw ever nearer to a sense of what is indeed beautiful, graceful, and becoming, and to get the raw person to like that."

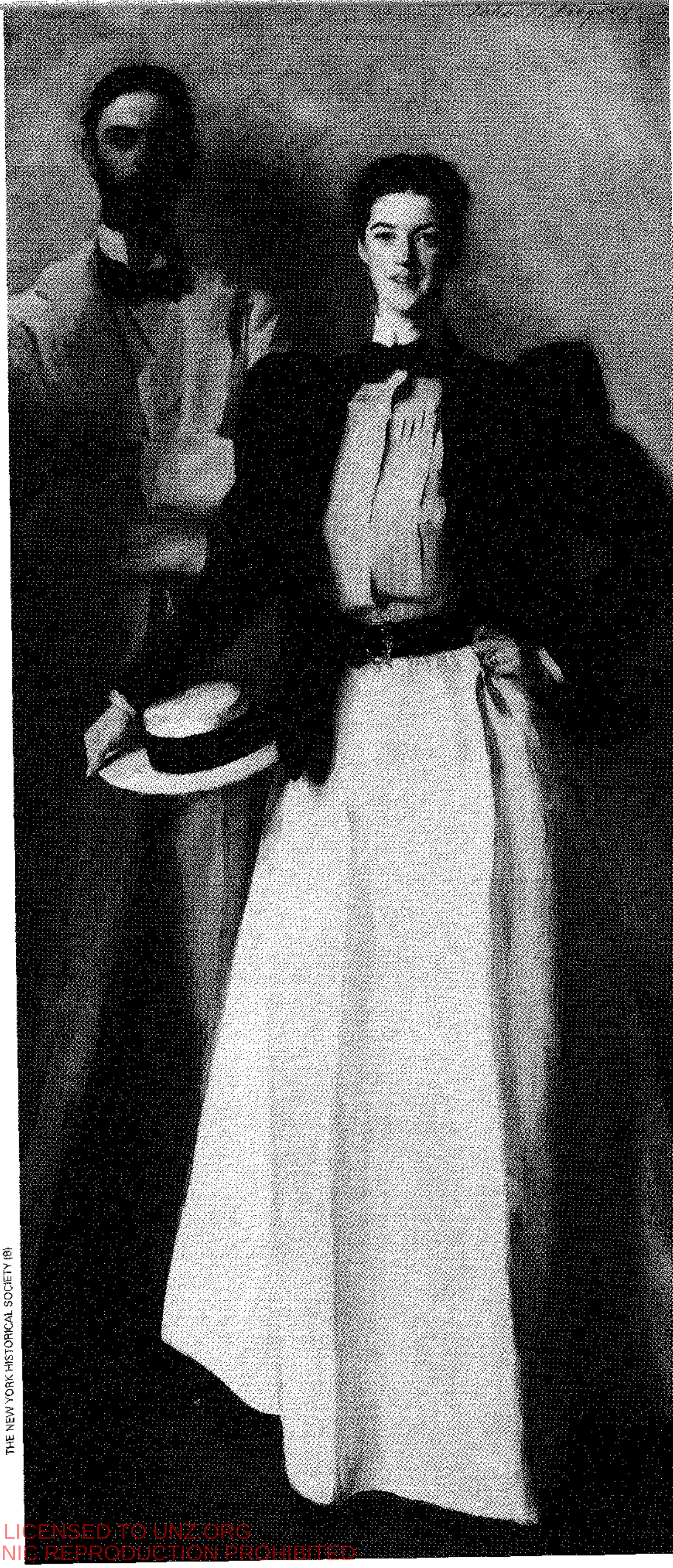
In a year in which Columbia is celebrating the centennial of its campus with a splendid exhibition, "Mastering McKim's Plan: Columbia's First Century on Morningside Heights," it is lamentable that the university should be raising a structure that will most certainly not instruct its students, those raw persons, in what is beautiful, graceful, and becoming. It is interesting to speculate just what Columbia's students will learn as they, like so many gerbils, scamper across Mr. Tschumi's glass ramps to check their mail within his crystal mall. ●

The Ghost of Monsieur Stokes

Francis Morrone

That his name resonates little with New Yorkers of today would have suited Isaac Newton Phelps Stokes just fine. Personal aggrandizement was not his game. He was that vanished breed of New Yorker: the self-deprecating patrician polymath and reformer. Effete in manners, aristocratic in temperament, and humble to a fault, he was, to outward appearances, the type that Edward Everett Horton portrayed to the laughter of Depression-era moviegoers. He was also a type that makes cities great.

To the extent that he is remembered at all, it is for his monumental history of New York City, *The Iconography of Manhattan Island*, published in six volumes from 1915 to 1928. For those who are alert or curious, however, the name of Stokes resounds throughout the city: on the Columbia University campus; at the Cathedral of St. John the Divine, the Metropolitan Museum, the New York Public Library, and the Pierpont Morgan Library; and in the streets of the Lower East Side, among many other places. He was a perfect embodiment of Progressivism, as perfect as his confrere Teddy Roosevelt, though infinitely quieter.



THE NEW YORK HISTORICAL SOCIETY (8)

John Singer Sargent's portrait of the Stokeses.

Stokes was born in 1867, the eldest of the nine children of Helen (née Phelps) and Anson Phelps Stokes (the overlapping names show how inbred the New York upper class was at this time). His childhood—in the large brownstone on the southeast corner of 37th Street and Madison Avenue that became, successively, the home of J. P. Morgan Jr., the headquarters of the Lutheran Church in America, and an extension to the Pierpont Morgan Library—seems something out of a novel about upper-class New York in the Age of Innocence. He went on winter sleigh rides up a largely unbuilt Fifth Avenue to the new Central Park; he spent idyllic summers on Staten Island. He was surrounded by the requisite patrician eccentricities, especially his mother's fondness for her pet monkeys. "They used to sit on her shoulder and warm their clammy little hands by putting them inside the neck of her dress," he recalled; one of them very nearly destroyed the Madison Avenue house by setting it on fire while playing with matches. Stokes was surrounded, too, by patrician high-mindedness, crucial to his development: his parents belonged to the mid-century "meliorist" movement, a forerunner of turn-of-the-century Progressivism.

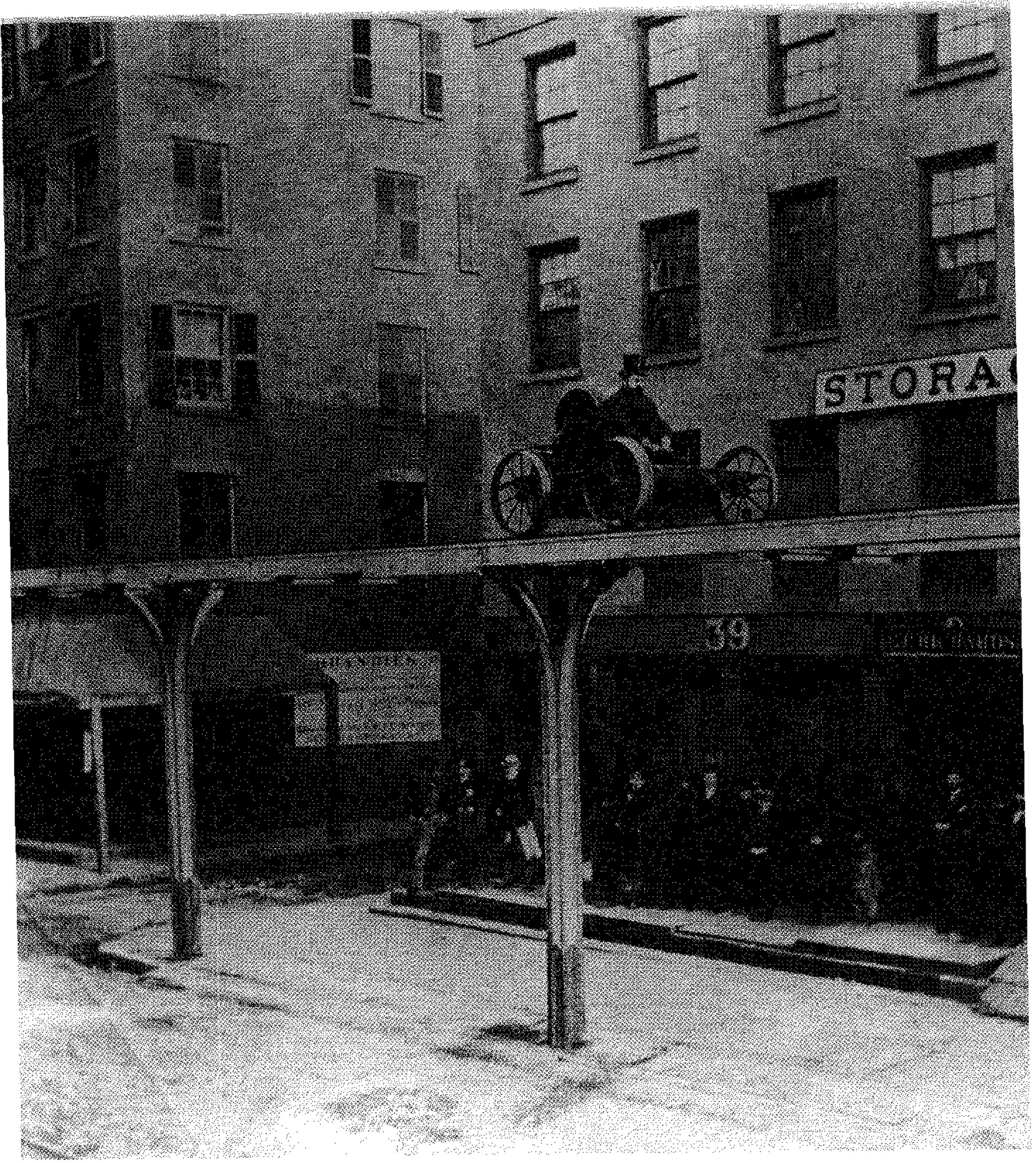
Stokes graduated from Harvard in 1891. "I joined a rather 'sporty' table," he recalled. "We had a room on the second floor of a frame building on Holyoke Street. There was a large old-fashioned square piano in the room, on which Jack Wendell used to play and sing after dinner. One night, when we were all feeling rather excited, I presume after some college athletic success, the other members of the table became rather boisterous—I was always quiet and well-mannered!—and proceeded to throw the furniture, including the piano, out of the window. We were promptly dismissed by the landlady on the following morning, and had to form a new table, this time exchanging our most outstanding 'sporty' member (Foxhall Keene) for Joe Leiter, who, I well remember, had found a sure method for passing examinations without doing the prescribed course work—a bottle of champagne at breakfast did the trick, with amazing success."

When Stokes campaigned for the votes of Jewish students in his freshman class elections, many of them assumed that he must be Jewish too, since his name was Isaac. Though throughout his life he championed the inclusion of Jews, he did not wish to be taken for one: henceforth, he would always be I. N. Phelps Stokes, not Isaac Phelps Stokes.

He studied under some of the illustrious professors of Harvard's golden age, including Charles Eliot Norton. He took Josiah Royce's "Literary Aspects of the Bible" course, which 15 years later kindled T. S. Eliot's interest in primitive ritual. He joined every conceivable club and society. On Sundays, he attended Boston's Trinity Church, where the celebrated preaching of Phillips Brooks caught his imagination. "In the 1890s," he wrote, "the comforts and pleasures of life at Cambridge, as almost everywhere else, seem, in retrospect at least, to have reached their highest point. There was just the right combination of work and play, of seriousness and frivolity, to make life really enjoyable."

The seriousness deepened toward the end of his Harvard years, though, as his life's ambition to improve the condition of the poor grew clear to him. "I came to the conclusion," he later wrote, "that better housing for the working classes was one of the crying needs of the day, and that the designing and promotion of better housing, especially in our large cities, furnished as good an opportunity for useful service as any other profession." To this end, "to equip myself with a better working knowledge of architecture in general, before beginning to specialize," Stokes decided to study at Paris's École des Beaux-Arts. He was there from 1894 to 1897, part of the last great wave of Americans at the École, where they learned the principles that gave birth to the City Beautiful movement in America.

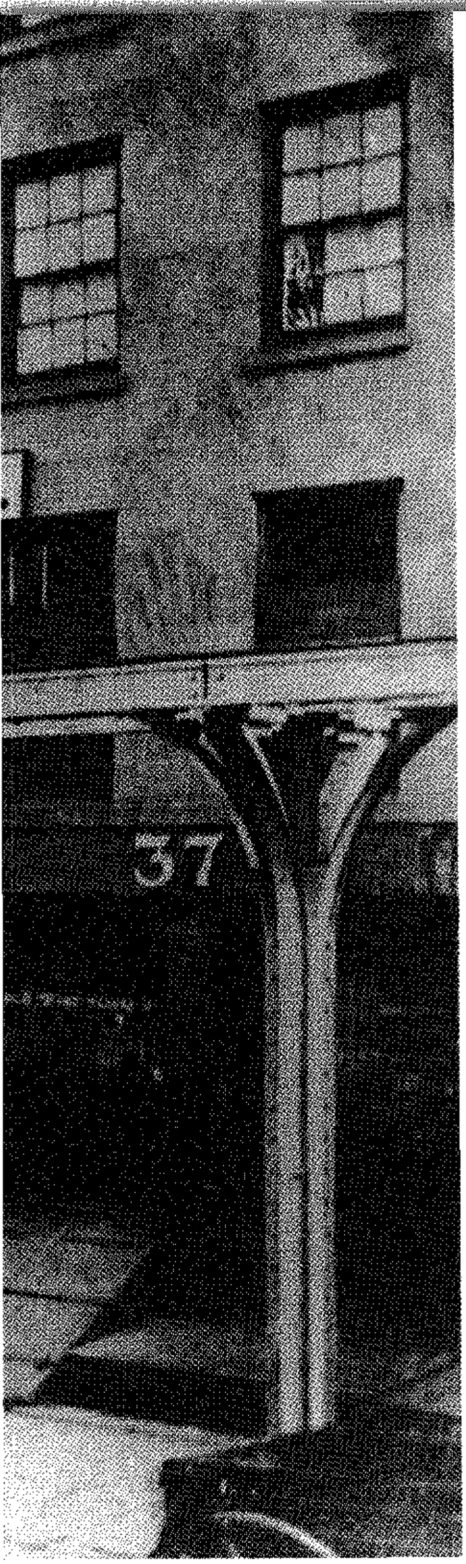
In Paris, Stokes's energized social conscience led him to dress as a hobo and steal into the night streets, holing up in flophouses where he could experience the plight of the destitute. He spent one night, he recounted, in "a French Bowery boarding-house, or rather 'night-retreat,' frequented mostly by tramps and criminals. I left my



New York's first "el," built in 1867 on Greenwich Street, from Stokes's *Iconography*.

apartment at about ten o'clock at night, having donned a very old and dilapidated suit, and a peaked cap bought for the purpose. I tied a red bandanna handkerchief around my neck, mussed up my hair and beard, smeared my face with charcoal, slipped by the concierge, and made my way through some of the less frequented streets to this 'under-world' resort."

Come bedtime, he wrote, "I selected a seat between the two

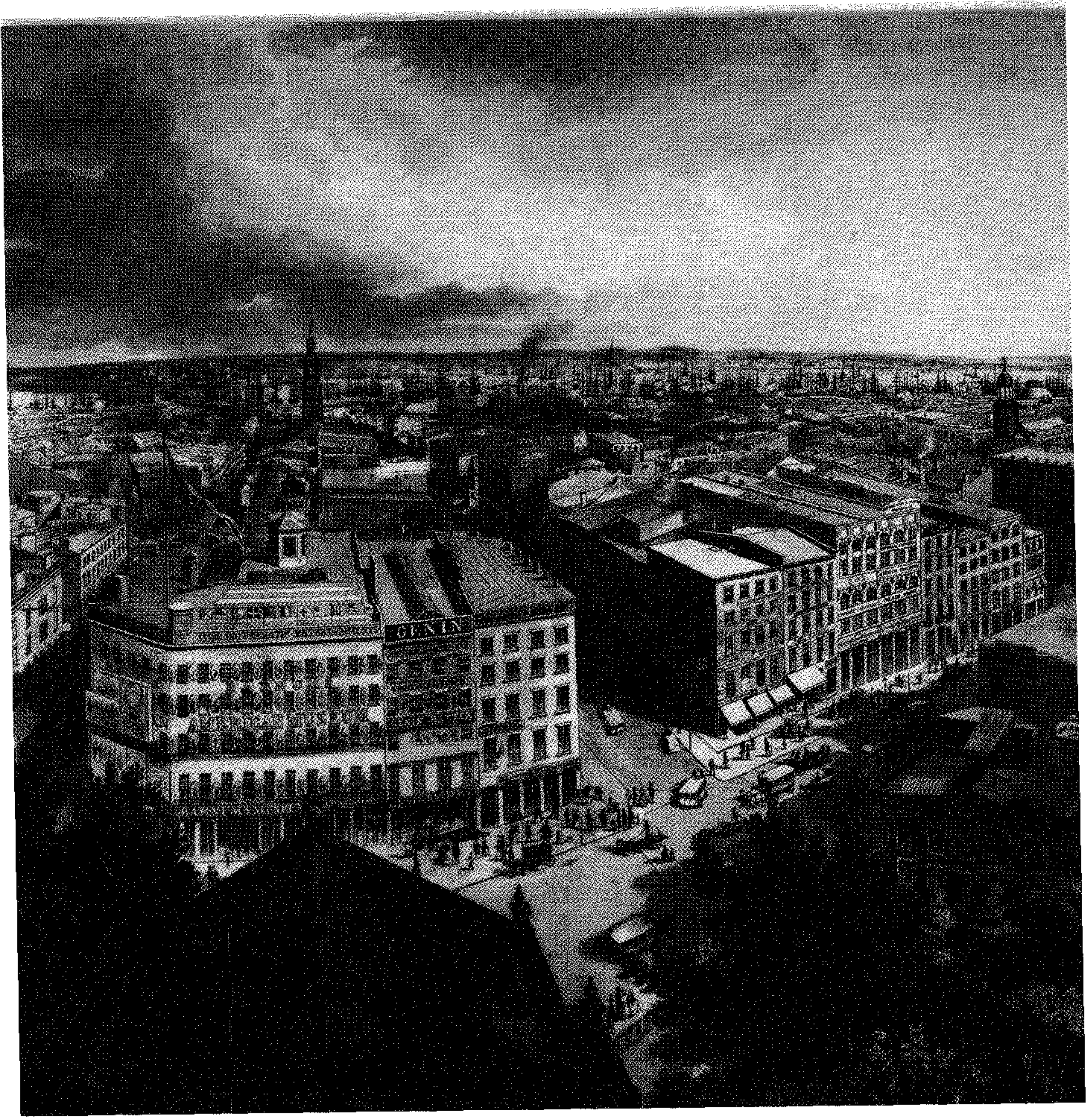


least disreputable and dangerous-looking characters, and prepared for slumber, but my companions conversed in loud whispers most of the night. The conversation covered many subjects, but I remember particularly that my nearest neighbors discussed the mysteries of Free Masonry." When he awoke in the morning, conditions weren't much better. "The soup did not look appetizing, and the bowls were very dirty, so I decided to wait for my breakfast until my return to the Boulevard St. Germain. I expected to have some difficulty in getting by the concierge, who usually took a good look at everyone who rang the bell and came in during the night. I suppose he was particularly sleepy this night, or rather morning, for, as I called out: 'Monsieur Stokes,' he pulled the cord that released the latch without even raising his head from his pillow."

In later years, Stokes continued such escapades, and he recalled in particular "a night which I had spent some years before in the wood-yard of the Charity Organization Society in New York. . . . I arrived too late to do my regular stint of cutting wood, and also too late to secure a regular bed, escaping thereby the obligatory bath which went therewith. I was allowed to sleep on a table. . . . My immediate companions were two tramps who had recently worked as track-walkers on a railroad in the West. They asked me whether I had ever worked on a railroad. I told them that I had—which was true, as I was at the time president of the Nevada Central R.R."

As soon as he returned to New York from his three years in Paris, Stokes plunged wholeheartedly into housing reform. With his architect friend, John Meade Howells, the son of novelist and editor William Dean Howells, he entered a competition for the design of the University Settlement House on the Lower East Side, then America's worst slum. To the young architects' surprise, they won. The University Settlement House, which still stands at Eldridge and Rivington Streets, is a dignified classical structure of limestone and red brick. We think of Beaux-Arts-trained architects as excelling at monumental buildings, but they were equally adept at creating handsome, urbane, workaday buildings, of which University Settlement House is a superb example. Modernist critics like Lewis Mumford dismiss City Beautiful designers as being primarily concerned with slathering the city with "atavistic ornaments." But while such embellishment played its role, it was only as part of an overarching ideal of creating more salubrious and beautiful environments for every city dweller. Indeed, where the city's physical problems were at their worst, as on the Lower East Side, there clustered many of the City Beautiful planners and architects, together with their Progressive partners and patrons.

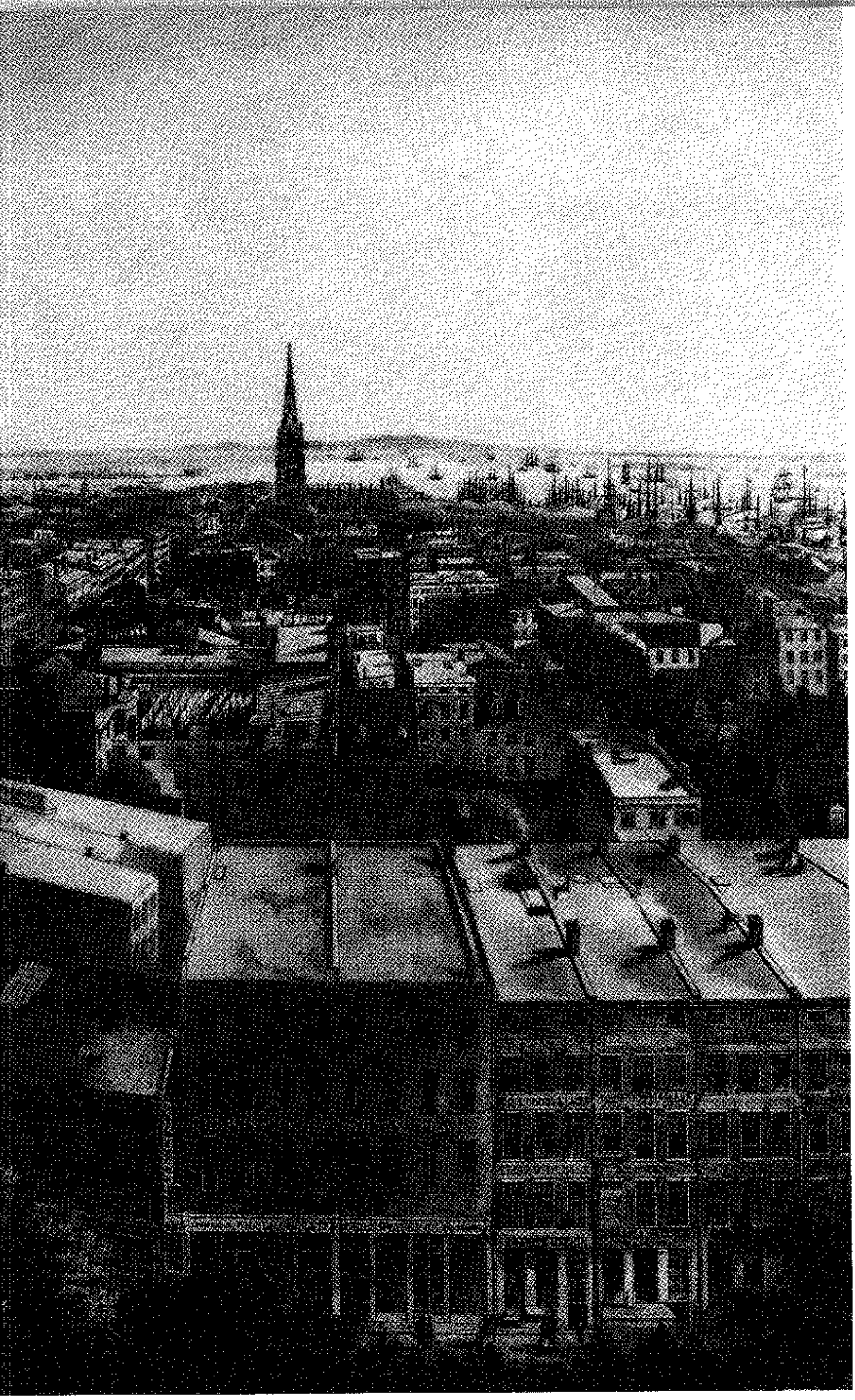
Stokes and Howells also designed several noteworthy structures for the prosperous, the most pleasing of which is Columbia University's St. Paul's Chapel. A Roman structure of brick and limestone, with a tile-vaulted portico, a domed crossing, and three



A stupendous collection of old prints of New York, like this 1848 view, fills the *Iconography*.

beautiful apsidal windows by the important American artist John LaFarge, it is one of the loveliest small churches in New York. Stokes and Howells dissolved their partnership, while remaining friends, in 1917.

Stokes's housing-reform efforts culminated when, serving on the New York State Tenement House Commission, he coauthored the Tenement House Law of 1901, which created our present distinction between "old law" tenements, built according to the Tenement House Law of 1879, and "new law" tenements. The "old law" required ventilation and natural light for all interior as well as exterior rooms, which resulted in buildings with a characteristic "H" or "dumbbell" plan. The "new law" required tenements to have a host of other features, including broad side-courts, deep backyards, limited ground coverage, and larger rooms. It was, according to historian Roy



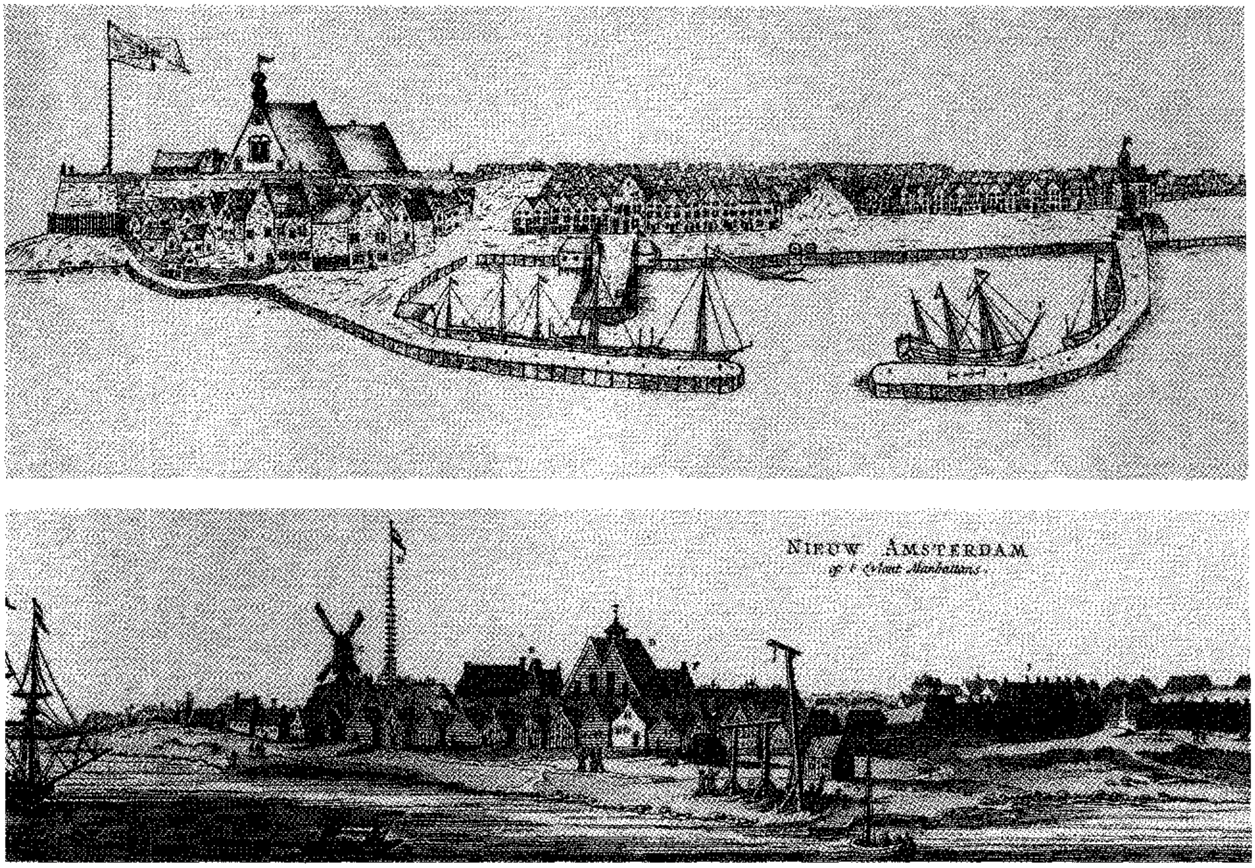
with her inheritance, he was for 40 years in the thick of housing-reform efforts in New York, all the way up to being an advisor to Mayor La Guardia.

In 1919 the Municipal Art Society put Stokes in charge of fund-raising for its new campaign to restore Central Park. In the course of researching the *Iconography,* he had unearthed Olmsted and Vaux's original Greensward plan for Central Park, long thought lost (and coincidentally, the irascible Calvert Vaux had taught young Stokes how to row in the park years before). Based on the plan, and on Olmsted's papers (whose publication Stokes had overseen), the Municipal Art Society and the Art Commission staved off countless proposals that would have encroached upon the park, insisting throughout the twenties that the only way to save the park was to adhere to a hard-line "original intent" approach. This meant not only that no one be allowed to build, as was proposed, a stadium in the park, but also that the park be kept clear of various other recreational amenities.

Stokes led the fight in the early 1930s to keep ball fields off the Great Lawn of Central Park. Tammany Hall wanted the playing fields, seizing upon them as a populist issue. But in 1933 Fiorello La Guardia defeated Tammany at the polls, and though he too was a populist, he required the support of the upper classes and threw them a bone by siding with Stokes on this issue.

Lubove, "among the most significant municipal reforms of the Progressive era."

Stokes worked on the federal government's very first foray into mass housing: the erection of communities for shipbuilders during World War I. He was a vociferous advocate of garden housing for the poor; indeed, mention Stokes's name around 1930, and people would hear "playgrounds." As an architect, Stokes designed the Tuskegee Model Tenements for Negroes built in 1901 on West 62nd Street, and as a director of the Phelps-Stokes Fund, the respected charity his sister established

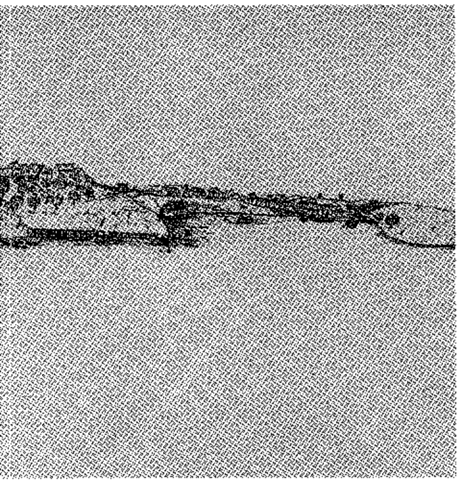


Two seventeenth-century views of New Amsterdam from the first volume of the *Iconography*.

Stokes's best friends were, as he put it, "fine Christian characters, gentlemen par excellence and scholars." They had over-the-top patrician names like Foxhall Keene, Electus Litchfield, and H. Van Buren Magonigle. What, then, were he and his friends to make of Fiorello Raffaele Enrico La Guardia?

To say that Stokes and La Guardia got off to a rocky start would be an understatement. La Guardia, upon taking office, attended a hearing of the Art Commission, of which Stokes was president. The mayor read a note: "On my first visit, as mayor, to [my] office, as I crossed the threshold, I was confronted by an angry group of well-fed cockroaches. Understanding that the City Hall is under the particular care of the Art Commission, I was much surprised to find that conditions had been allowed to reach such a pass. I must ask you, Mr. President, to take, promptly, such measures as will preclude the possibility of its continuance." When Stokes mildly attempted to explain that the commission served a curatorial, not a janitorial, function, La Guardia feigned incomprehension.

The mayor clearly had a chip on his shoulder about the "top hat" crowd that controlled organizations like the Art Commission and the Municipal Art Society. He had enjoyed their support, but a vast cultural gulf gaped between them. As head of the Art Commission, Stokes had the official power to delay every city building project and force revisions. La Guardia chafed at always having to clear the Stokesian hurdle, and his parks



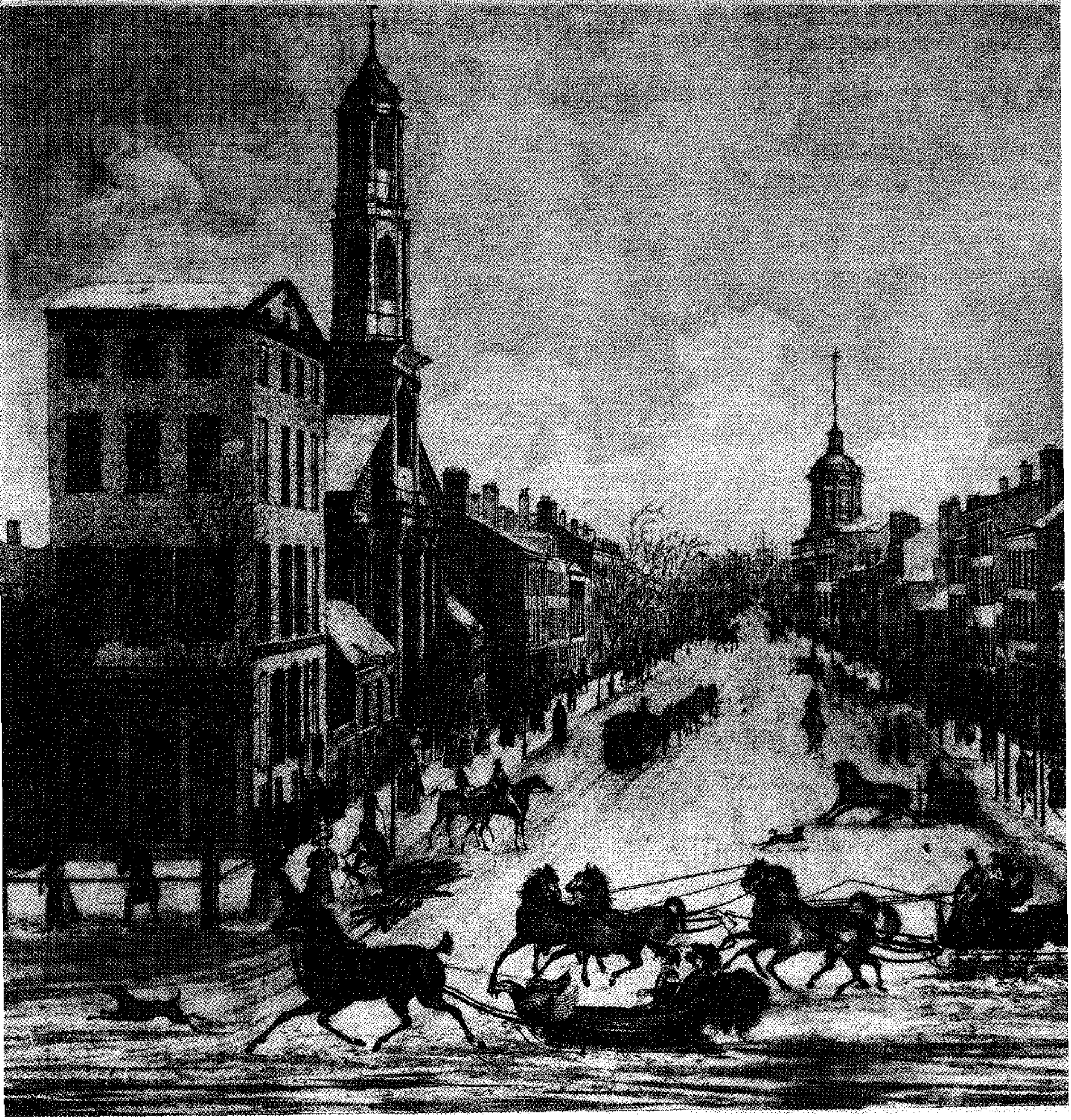
commissioner, Robert Moses, simply ignored the Art Commission. The problem for Stokes and Co. was that La Guardia and Moses were the reformers they had long championed; had a Jimmy Walker employed such obstructionist tactics, Stokes would undoubtedly have sued the city. Under La Guardia and Moses, he let things slide.

As the Fusionist candidate against the corrupt Tammany regime, La Guardia had the overwhelming support of New York's bluebloods, who had long led the anti-Tammany crusade. Part of what made La Guardia special was that he had a populist appeal that could counter that of the Tammany men, yet he worked this appeal from the reform side. Still, the differences in background and temperament between La Guardia and Stokes were the stuff of comedy, even farce. La Guardia loved to mimic the effete Stokes, already virtually a self-parody with his pince-nez and high, cracking voice. The mayor was short, fat, loud, and to refined sensibilities abrasive; Stokes was tall and skinny and the model of demure gentlemanliness—he had answered to such prep-school and college nicknames as "Chippie" and "Toodles." Yet the two found common ground—not only in their shared aspirations for the city but in a place that surprised them both: the feelings of each for his wife.

Edith Stokes, née Minturn, was a beauty who, like Stokes himself, seemed to spring straight from the pages of Henry James. She was the very model of the new, forthright, intelligent, strong American woman—think of Isabel Archer in *The Portrait of a Lady*. Anyone who has visited the American Wing of the Metropolitan Museum of Art has met her (and her husband): John Singer Sargent's great portrait of the couple is mesmerizing (see page 98). A whole ideal of modernity and American nationality radiates from Edith's image. Less well known is that she served as the model for Daniel Chester French's colossal Statue of the Republic, the centerpiece of the Columbian Exposition of 1893 in Chicago. (It still stands in the former fairgrounds, in Jackson Park on Chicago's South Side.)

Edith Minturn met Isaac on one of the Stokeses' summer vacations in Staten Island, where Edith had been born. Her mother was the sister of Josephine Shaw Lowell and Robert Gould Shaw, Bostonians transplanted to Staten Island. Josephine, a crusading social reformer and founder of the Charity Organization Society, had profoundly influenced Isaac from well before he met her niece. (The Josephine Shaw Lowell Fountain in Bryant Park was New York's first civic monument dedicated to a woman.) Robert Gould Shaw, an abolitionist who enlisted in the Union Army through New York's Seventh ("society") Regiment, later became colonel of the 54th Massachusetts Regiment, the first African-American regiment of northern soldiers. Killed leading a charge on Fort Wagner, South Carolina, he is memorialized in the exquisite monument by Saint-Gaudens in the Boston Common as well as in the film *Glory*. The Shaws and the Minturns were, if possible, even more fiercely reformist than the Phelpses and the Stokeses.

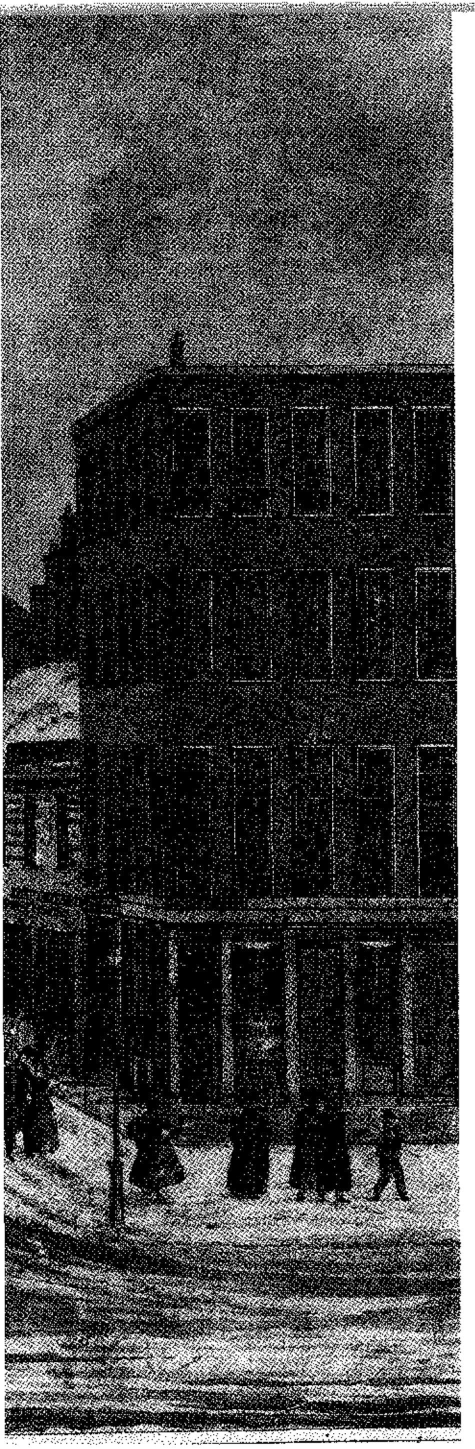
An equally passionate reformer, the Reverend William Rainsford, who officiated at the wedding of Isaac and Edith in 1895, would say of her: "I have known one or two women as beautiful;



A winter day on Wall Street in 1834, as seen from Broadway, from the *Iconography*.

one or two women as interesting; one or two women as spiritual; but for the combination of the three I have never known her equal." By the 1930s, however, a series of strokes had left her speechless and paralyzed. Stokes nevertheless persisted in his belief that her mental faculties remained intact, and for the four or five years left to her he spent most of his time at her bedside, reading to her and telling her jokes, and wheeling her through Central Park.

La Guardia, of course, had similarly nursed his wife during the 17 months it took her to die of tuberculosis. This was the most upsetting event of La Guardia's life, and his famed teetotaling was said to be a reaction to his year-long alcoholic binge following his wife's death in 1921. When La Guardia learned of Stokes's ordeal, all the bickering and back-



biting ended, and the two men not only began to behave cordially to each other; they actually became friends. There is some evidence that Stokes was the first to call La Guardia "Little Flower." La Guardia responded by calling Stokes, affectionately, "Old Pomposity."

As head of the Art Commission, Stokes oversaw the city's WPA mural program, eliciting harsh criticism from the art community, which charged that Stokes had no respect for modern or abstract art—as was true. Stokes's "reactionary" taste rejected not only abstractionists but even artists who today appear almost conservative. Ben Shahn, for example, proposed a suite of paintings for the Rikers Island penitentiary that Stokes dismissed as "sordid" in manner and matter. "Painted in the crudest and most offensive modernistic style," he said, they "contrast[ed] the horrors of the old with the scarcely less repulsive new methods of punishment in our prisons." They would depress the prisoners, he said—surely a unique indictment in the annals of outrage over "modernistic" art.

On the other hand, he commissioned and helped finance Edward Laning's now-beloved series of murals relating the history of the recorded word in the third-floor rotunda of the New York Public Library. (One of the corridors off the rotunda leads to the I. N. Phelps Stokes Gallery and the I. N. Phelps Stokes Collection of historical prints.) The vast majority of WPA work in New York is traditionalist, thanks—for better or worse—to Stokes. The art community petitioned the mayor to dump Stokes, but La Guardia saw that he could make political capital from standing in the way of modernists and radicals, whether political or artistic. Remember, this is around the time that the mayor forbade Bertrand Russell to teach at City College, allegedly because of the philosopher's atheistic views. "Any people that insist on progressive government and maintain conservative art are pretty well balanced," La Guardia held. Stokes would have agreed enthusiastically.

Stokes's greatest claim on our attention is his magnum opus, *The Iconography of Manhattan Island*, which has established him as the greatest historian New York has ever had. Its six volumes, published between 1915 and 1928, reproduce historical prints and maps, and provide stupendously detailed chronologies and bibliographies tracing the physical development of Manhattan from earliest Dutch colonial times to the twentieth century. The historian John A. Kouwenhoven says it is "the most magnificent collection of New York pictures ever yet, or ever likely to be, published." More to the point, it is, as architect and writer Norval White puts it, "the most exhaustive record of a built place ever attempted, let alone fulfilled."

The first three volumes present the bulk of the topographical material in the form of prints and maps. Volume 2, for example, opens with a 124-page scholarly essay entitled "Cartography: An Essay on the Development of Knowledge Regarding the Geography of the East Coast of North America." There follows a heavily annotated list of all known maps—including those thought to be lost—of Manhattan through the seventeenth century. But the true, invaluable heart of Stokes's enterprise shines through, to take only one example, in a section on "The Castello Plan Showing the City of New Amsterdam in the Year 1660." It takes five separate plates to reproduce the whole of this map. The final plate, each of its buildings and lots numbered, is the key to an improbably thorough section of "Topographical, Biographical, and Historical Data." An example: "Block A, No. 1: Lodowyck Pos, cabinetmaker, and captain of the Rattle Watch bought this house and lot from Jan Martyn, May 21, 1655, for 600 florins ($240.), to be paid in equal installments of 200 florins each, the first, however, to consist of two cows." And it goes on and on, with each bit of information itself thoroughly annotated. And as if Stokes hasn't given us enough in this volume, he throws in a "Check-List" of "Early New York Newspapers (1725–1811)."

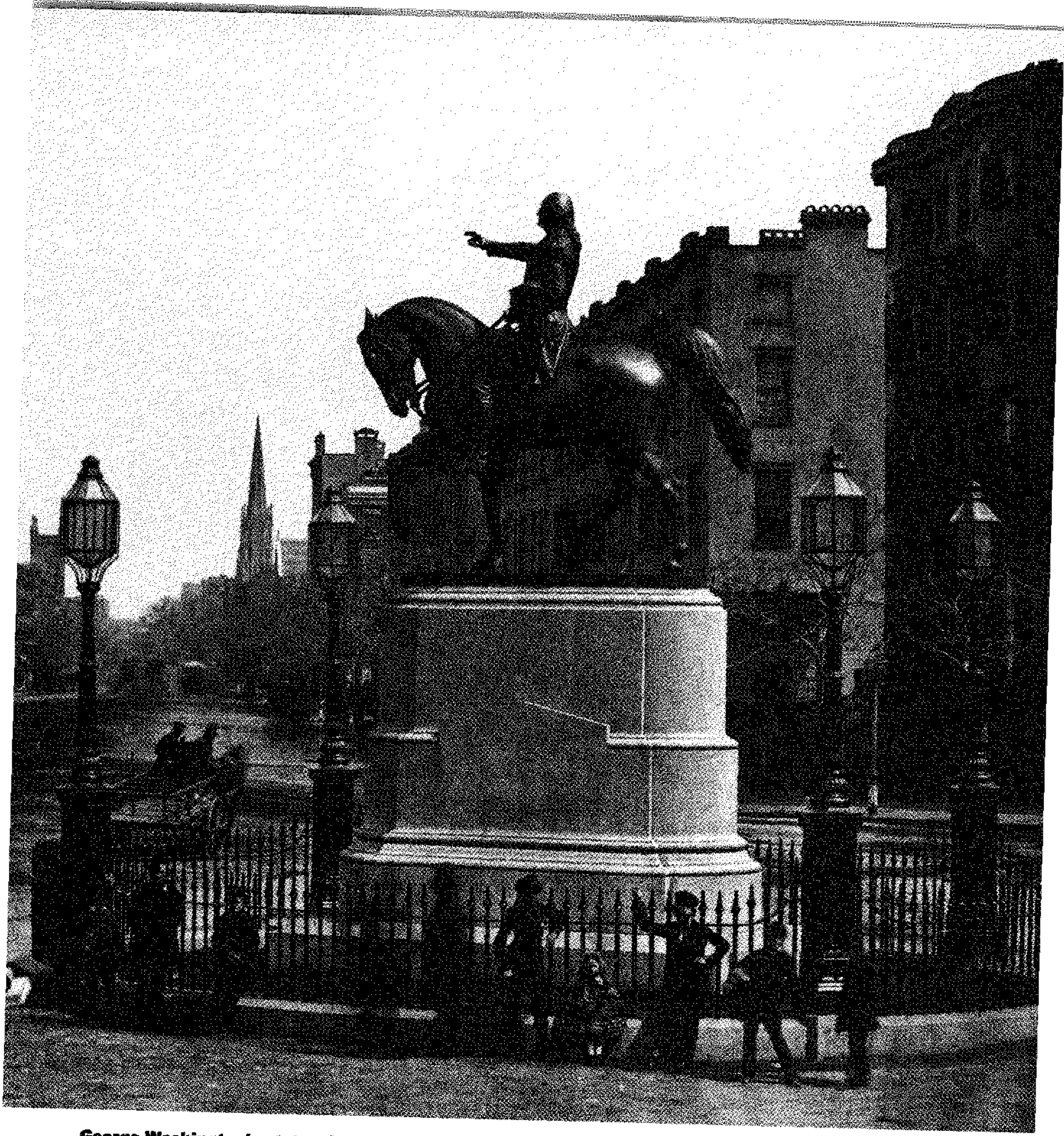
Volumes 4 and 5 are a dauntingly exhaustive day-by-day chronology of the city from 565 (no, a digit is not missing) to 1909. Ever wonder what happened in New York on November 18, 1680? "Consternation is caused . . . by the appearance of an enormous comet, one of the most magnificent on record." Later that year "A negro couple, Swan and wife, are fined 25 shillings by the court of mayor and alderman 'for keeping a Disorderly house, selling drinke to negroes & entertaining them at unseasonable hour.'" The final chronology entry, in Volume 5, for September 25, 1909, describes the Hudson-Fulton Celebration, which featured "aeroplane flights over the harbour by Wilbur Wright—the first successful aeroplane flights in the neighborhood of Manhattan Island."

The final volume includes the most thorough New York bibliography ever undertaken, from a complete record of "Original Grants and Farms" to ecclesiastical records, manuscripts, newspapers, broadsides, public and private archive material, court records, real-estate records, and, not least, published books and articles.

The thing that first strikes any user of the *Iconography* is how utterly improbable it is that a man should have gone to all this effort. The overwhelming impression is that this is one of the most lavish and useful scholarly productions in the history of mankind. But it is by no means a work with the dramatic or interpretative quality of Gibbon's *Decline and Fall of the Roman Empire* or Carlyle's *French Revolution*. The *Iconography* is a different form of historical work altogether: an expert gathering and sifting of primary materials whose like we will never see again.

Inspiration to undertake the *Iconography* struck Stokes in 1909—the year when New York celebrated the tercentenary of Henry Hudson's voyage up the river that was later to bear his

name as well as the centenary of Robert Fulton's steamboat. As part of the civic festivities—as elaborate and enthusiastic as the 1986 Statue of Liberty centennial—museums, department stores, and post offices exhibited images and artifacts of New York



George Washington's statue dominates Union Square in this 1870 view from the *Iconography*.

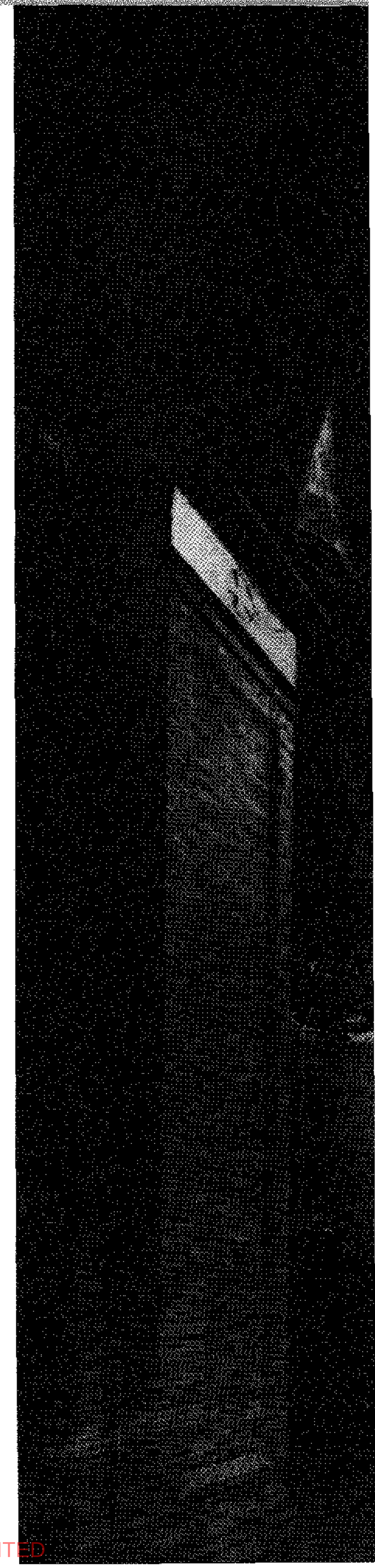
and American history throughout the city. Fired up by this swelling interest, Stokes related how he "rushed from dealer to dealer, and spent every spare moment delving through portfolios and drawers of old stock"—before competing collectors could snap it all up. Looking back, Stokes later said of his *Iconography*: "I now realize that it involved an expenditure of time, energy, and money, which was probably out of proportion to the results achieved, and consumed many hours which should have been devoted, not only to my office, but to my family, and to social amenities, so that, on the whole, I suspect that it has proved a rather selfish, perhaps even a narrowing, influence on my life." Posterity takes a different view: without question, *The Iconography of Manhattan Island* is the single most vital resource for historians of New York City.

Although Stokes was born a millionaire, he was anything but by the 1930s, when the Depression ravaged his real-estate portfolio; and though not exactly pauperized, by 1940 he was living in a two-room-and-kitchenette on the southeast corner of Madison Avenue and 70th Street. When he dined out it was usually at Schrafft's; indeed, his patrician reserve wavers in his memoirs only when he rhapsodizes about Schrafft's 40-cent breakfast, to him a marvel of civilization.

Stokes had that characteristic historian's gift of looking at the world and sensing ghostly emanations. He would not merely think of but actually see, as though by some special sense, the canal that was covered over 150 years ago, or the man, dead 75 years, who once lived in a house on this or that site. This capacity grew out of his more general belief in ghosts and his insistence that he had had authentic ghostly encounters, described in detail throughout his typescript memoirs. And he often expressed his growing obsession with the history of New York City in terms of a psychic connection with the past. "I have long specialized in dreams of old New York, and they are the most delightful of all my dreams," he wrote. "I usually start from some point in the modern city, and on my way—perhaps to keep an appointment at some other well-known point—I am tempted to try a short-cut. I wander over the hills and valleys, and often through virgin forests, and sometimes come out on the shore of the Hudson or the East River where I recognize the topography from the old maps, and take great pleasure in searching for landmarks which I know exist—or at least existed at the time pictured in my dream. Sometimes I find them, and am thrilled by the discovery, but curiously they are almost never inhabited. Although the streets are sometimes populated, I generally pass unnoticed—apparently unseen!"

No wonder he especially valued the concrete, living presence of the past within the present. When he led the fight to save the eighteenth-century St. John's Chapel from destruction, he wrote to its owners, the vestry of Trinity Church, that the proposed demolition "comes as a surprise and shock to the community, saddening the hearts of those who reverence the ancient monuments of our city, and believe in the uplifting power of venerable traditions and accumulated effort, and the refining and ennobling influence of dignified and beautiful architecture."

Stokes died in 1944, at the age of 77. By then he was himself an ancient monument of the city, whose refining and ennobling influence still speaks to us today. ●



Stokes designed Columbia's jewel-like St. Paul's Chapel with John Meade Howells.

Oh, to be in England

The Goddess of Domestic Tribulations

Theodore Dalrymple

I first learned of the death of Princess Diana on Sunday morning at the prison. The flag was at half-mast, and I asked a prison officer why.

"Haven't you heard?" he replied. "Diana's dead—killed in a car crash in Paris while being chased by paparazzi."

DAVID LEVENSON/BLACK STAR

I felt a moment of sorrow for a young life so needlessly and pointlessly ended, but duty called. A hunger-striking prisoner was close to death: he was protesting what he considered the injustice of the security precautions taken in his case, though the last time they were relaxed he had tried to escape by blowing up the Black Maria carrying him to court. Another prisoner had tried to hang himself. A new recruit to prison culture, as anthropologists would call it, he made the mistake of reporting the theft of his radio to the officers, who had recovered it for him. But he was thenceforth known as a *grass*, an informer, the only form of prison life lower than a *nonce*, or sex offender; and he thought he had better hang himself at once, before the other prisoners did it for him. And then there was a prisoner to attend to who had slashed his forearm some days before and had refused the operation necessary to stitch him up. He was now busily stuffing tissue paper and broken bits of plastic spoon deep into the wound.

In short, everything was proceeding much as normal in the prison, despite the death of Diana. It was only much later that I realized that a mass hysteria had been unleashed that makes the death of Little Nell look like a detached clinical report.

While Diana was being killed in the Paris tunnel, the presses of the *Observer* newspaper, the Sunday journal of Britain's liberal intelligentsia, were printing the following item in a satirical column entitled MRS BLAIR'S DIARY: "It always amazes me that the press picks up on [what Diana says] as if it were compelling genius insight of Aristotelian wisdom and Shavian wit, as opposed to the twitterings of a woman who, if her IQ were five points lower, would have to be watered daily." So proud was the newspaper of this delicious shaft of satire that it headlined the entire column: IF HER IQ WERE FIVE POINTS LOWER, SHE'D NEED DAILY WATERING. Elsewhere in the newspaper, a picture of Diana bore the caption: "Woodentop."

This crudely satirical tone could not survive the tragic events of the day, of course. But if civilized convention demands that one should not speak ill of the (recently) dead, it surely does not demand either that one eulogize them to excess. Nevertheless, the *Guardian*—owned, edited, written, and read by the same people as the *Observer*—soon began to write of the late Princess in the most nauseatingly fulsome fashion. Among other miracles, the paper credited her with a beneficial revolution in our manners: on the Tuesday following her death, for example, two commentators in the *Guardian*, one of them a professor of politics at Oxford University, asserted that she both created and reflected a more compassionate Britain after the heartless years of Thatcherite selfishness. She also changed us from a nation of people who keep our feelings bottled up inside into one of frank and openhearted self-revelation—a change all for the better, of course.

"She preached a doctrine of hugs, warmth and confession," wrote one of the commentators approvingly, "a revolutionary doctrine whose enemy was the frigidity of our habitual reserve." That the loss of reserve might entail other losses—depth, for example—was a thought not to be entertained at such a moment.

What accounted for this sudden shift from cruel personal abuse to absurdly exaggerated respect? Princess Diana was useful both alive and dead to British liberals, who habitually measure their own moral standing and worth by their degree of theoretical hatred for and opposition to whatever exists. Diana was useful because she was both an insider and an outsider, who could be represented either as a symbol of the establishment or as an enemy of it. Spurned as she was by the royal family, she remained an aristocrat who led an extremely privileged life.

Alive, she was handy proof that people of no particular merit or intelligence had undue social prominence in this country, which necessitated radical reforms as demanded by the liberal intelligentsia; dead, she was equally useful to demonstrate that the rottenness of our institutions (such as the monarchy) had destroyed a splendid woman for whom the establishment could find no place. Solution: more radical reform, as demanded by the liberal intelligentsia.

What is more certain than that the sun will rise tomorrow is that once Diana, having undergone temporary secular canonization, has served her turn to inflict whatever damage can be inflicted upon our institutions, the *Observer* and the *Guardian* will debunk her, in order to establish their credentials as journals of fierce independent-mindedness. They will reveal her as a hysterical, self-serving, scheming, and manipulative minx. The wheel will have made its revolution.

As for the gutter press—the one field of production in which Britain undoubtedly still leads the world, and a faithful reflection of the cultural and educational level of the population as a whole—it momentarily lost its swagger at the suggestion that the photographers it routinely showered with money to snap the princess from every conceivable angle had been responsible for her untimely demise. It even shrank from publishing the photographs of Diana in the crash.

But when it was established that the driver of Diana's car was drunk, and that he had been going absurdly fast through the tunnel, the gutter press regained its confidence and immediately mounted a campaign to force the queen to express her grief in public and to fly the national flag at half-mast over the royal palace, though this was against the custom and usage of centuries. The combined circulation of these newspapers is 12 million, and perhaps half the population of the country reads one or the other of them; so the queen bowed to what must have seemed like popular pressure, though it was in fact the simulated rage of a handful of editors who were conducting a struggle to maintain circulation at a difficult time. No one stopped to think that the tradition of not flying the flag at half-mast over the palace was a symbolic representation of the idea that, while individuals come and go, the institution survives them and is more important than they; or that, by demanding that the queen express grief in public, the newspapers were demanding either that she express an emotion she did not feel, or that she should not be allowed to grieve in private. Either way was to trivialize and cheapen the emotion.

But the queen outwitted the editors. In her television address to the nation, which they had demanded, she managed to avoid what would have been patently dishonest avowals of affection for her ex-daughter-in-law, while avowing admiration for such qualities as her energy—a distinctly double-edged quality in someone of whose activities one does not entirely approve.

The new prime minister, Anthony Blair, exactly caught (indeed, in part, created) the mood of the nation when he called Diana "the people's princess." The appellation instantly became universal, and made it doubly difficult to express reservations about the adulation being offered her memory or to cast doubt on the historical importance ascribed to her life and her unfortunate death. Because she was the *people's* princess, such reservations branded one an antidemocratic elitist, opposed to the people. A name once conferred and accepted can stand in the way of proper thought.

But did the people's princess have anything more in common with the people than the People's Democratic Republic of Korea has in common with either democracy or the Korean people? Yes and no: she was undoubtedly a popular figure, though her life was as remote from that of the people as that of an anchorite who lives in a desert cave.

Her popularity rested upon both her extreme difference from common people and her similarity to them. She was aristocratic, rich, and glamorous. Born to the purple, she married a prince: her life had a fairy-tale quality to it, acknowledged throughout the world. How well I remember watching her wedding on Peruvian television, which billed it as *La Boda del Siglo*, the Wedding of the Century. I little thought—no one then imagined—that it would end as *Los Funerales del Siglo*, the first truly global funeral.

In her, the mystique of royalty to which Bagehot referred in *The English Constitution* was replaced by the mystique of celebrity: and while the former mystique depended upon concealment, the latter depends upon revelation, usually of the most vulgar, prurient, trite, and debased variety. The cult of royalty, while the mystique lasted, suggested to those who followed it that there was a plane of existence that transcended the everyday world, and that there existed something greater and more important than themselves; whereas the cult of celebrity is but a disguised worship of our own, generally uncultivated, tastes and desires. Quiet reverence for the unseen has become noisy tittle-tattle about the ubiquitous, which has resulted in a vicious spiral of ever-coarsening public appetites, because tittle-tattle must be ever more salacious to satisfy us.

If Diana's life was inaccessible to the commonalty, and therefore the stuff of dreams, it was highly accessible also. Her prince turned out to be not so charming, at least to her. His heart was set on another, even as he walked down the aisle. She had been selected for marriage in much the same way as a horse breeder selects a horse, and for much the same reasons: the blood line must go on. Her teeth were good, and she was fertile. Moreover, the family into which she married, interesting only by virtue of its position, was not at all normal. Difficulties ensued.

Diana therefore had a constituency of all those who have been unhappy in their marriages, whose husbands or wives have deserted or betrayed them, who have had contretemps with their mothers-in-law, who have suffered humiliation at the hands of others: that is to say, a very high percentage of the human race. Her problems were those that might afflict any ordinary person, especially any ordinary woman, and therefore ordinary people were able to identify with her easily. She was the goddess of domestic tribulations.

When she revealed that she suffered from bulimia, she sealed her universal popularity. In an age when strength of character consists of being able to flaunt one's weaknesses to the prurient gaze of millions of idle onlookers, nothing could establish her *bona fides* better than her confession that she induced herself to vomit after eating too much: just like a thousand or a million salesclerks anxious about their weight. She is one of us: an alcoholic, a drug addict, a sexual pervert, a kleptomaniac, an agoraphobic, an anorexic, or one of the thousand natural diagnoses of the *Diagnostic and Statistical Manual of the American*

Psychiatric Association (Fourth Edition) that flesh is heir to.

So universally accepted has the pathologico-therapeutic approach to life become, that the apostolic heir to St. Augustine—that is to say, the present Archbishop of Canterbury—offered up thanks to God at the funeral service for Princess Diana's vulnerability, as if an appointment with a psychiatrist were man's highest possible moral and cultural aspiration. Of course, prelates of the Church of England today have backbones of marshmallow; but still it seems to me absurd to offer up thanks to the Author of the Universe for a princess's shortcomings.

The other quality that made Diana the people's princess was, of course, the extreme banality of her tastes and pleasures. As she herself was the first to admit, she was not clever, at least in the intellectual sense, though she clearly had intuition. Apart from dress sense, she had the cheapest taste: in other words, she was not at all threatening to the man and woman in the street, who knew that she liked what they liked and that much of her life was lived as they would live, were they to win the lottery. Even her sympathy with the poor and wretched of the earth was such as the average man or woman feels from time to time. In this respect, her similarity to Eva Perón, who embraced the conspicuously afflicted before the flashbulbs of photographers, is very striking, as is the similarity of the aura of sanctity that the public, quite incongruously, conferred upon "Evita" after her equally untimely death.

That her tastes were, despite her privileged upbringing, utterly banal and plebeian appeared very clearly at the funeral, where Elton John sang his bathetic dirge immediately after the prime minister read Saint Paul's magnificent words in Corinthians. It was highly appropriate (and symbolic) that this lugubrious booby, with his implanted wig, should sing a recycled version of a song initially dedicated to the memory of Marilyn Monroe—a celebrity who at least had had to make her own way in the world, and who also made a few films worthy of commemoration. "Good-bye, England's rose," he intoned in a mid-Atlantic accent that spoke volumes for the loss of Britain's cultural confidence, "from a country lost without your soul."

You can say that again. In the orgy of sentimentality into which much of the country sank after Diana's death, and which reminds me of the hot bath into which I gratefully sink after a hard day at the hospital, one thing has become evident: that the British, under the influence of the media of mass communication, which demand that everyone wear his emotion or pseudo-emotion on his sleeve, have lost their only admirable qualities—stoicism, self-deprecation, and a sense of irony—and have gained only those worthy of contempt. They have exchanged depth for shallowness, and have thought they got the better of the bargain. They are like people who imagine that the answer to constipation is diarrhea.

TO SPEAK OF EMOTION CONVEYS SINCERITY, the headline in the *Guardian* graphically put it; and that is why the vast crowds outside Westminster Abbey widely applauded the Earl Spencer's address at the funeral, despite its obvious and grotesque dishonesty. That a speech can be heartfelt and mendacious at the same time is a thought too subtle for people reared on mass media culture. Not only had the great defender of Diana's children provided a less than stable home environment for his own four children and implied (more or less) that the Princes William and Harry were born by parthenogenesis, without any contribution by Prince Charles, but in castigating the odious tabloid newspapers he omitted to mention that they were pandering to the degraded tastes of the general public, 2 million of whom were gathered outside the abbey, mourning the fact that there would be no more photographs of Diana in bikinis, kissing the latest of her celebrity lovers. Indeed, the Earl Spencer (all too predictably dubbed "the people's earl") omitted to mention that Diana's fame was largely the creation of that odious press that he had excluded from the funeral, that the millions of mourners were in effect mourning the loss of a charac-

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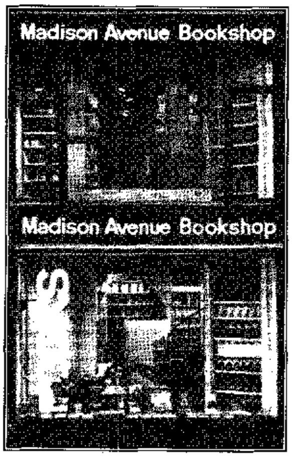

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ter from a soap opera, and that her own symbiotic relations with the reptile press were very far from straightforwardly adversarial. The good earl was like the anti-Semite of old, who blamed the Jews for the existence of usury.

He was hardly the only person who missed the connection between the demand for intrusions on privacy and the supply thereof in an age of celebrity. A patient of mine attempted suicide with tablets on the day of the funeral, feeling it incumbent upon him to express his loyalty to Princess Diana. He was a lonely man in his fifties, living on his own, who had made something of a cult of the princess. He told me he cut out and collected pictures of her. I asked him where he found the pictures that he collected.

"The *Sun*," he replied.

The *Sun*, needless to say, is one of those tabloids that have been most ruthless in procuring pictures of Diana, one of those tabloids that the earl held responsible for the death of his sister. But the irony was as entirely lost on my poor patient as it was on the earl.

Diana has already wrought the first of her miracles. A multimillionaire alcoholic patient has for many years insisted upon driving while drunk, but the accident in the Paris tunnel has caused him to forswear his drunken driving, where doctors, courts, friends, and relatives had previously produced no effect at all. Only two more miracles to go!

Conspiracy theories abound, of course, and they are already affecting patients. A French television channel, for example, has put it about that the royal family had Diana killed to save the embarrassment of having her marry a Muslim, a theory that will no doubt gain credence, especially as many suspect that her selection as a lover of the son of a man with whom the British government has been in acrimonious dispute for many years was not entirely coincidental. Many already believe she was assassinated, even without the publication of spurious "investigative" books, and when a patient of mine told me that her husband had better return to the paths of marital fidelity "or else," and I asked what the "or else" signified, she said darkly, "A road tunnel in Paris."

So not quite everyone has grown sentimental about the death of Diana, and even the funeral itself afforded one or two light moments. The commentator on one of the television channels, for example, made the Freudian slip of all time when, as Princess Diana's cortege was passing the Banqueting House, he noted that the magnificent building was the last surviving part of Westminster Palace, "on the steps of which," he added, "Prince Charles was executed." The declining remnant of the population that knows that England once had a King Charles who was beheaded fell about laughing at this conclusive proof that, after all, Freud knew what he was talking about.

But there were genuinely moving moments too, as when the 97-year-old Queen Mother climbed the steps of the abbey and walked down the aisle unaided, thanks to a hip-replacement operation performed when she was 95. I couldn't help recalling, however, that one of the surgeons who performed this astonishing technical feat had taken a month's leave from his hospital and returned as a woman, having previously been a man. What else can one expect in an age when it has been suggested (by the serious newspapers) that the royal family's insistence on the children of Charles and Diana behaving with dignity in public is a form of child abuse perpetrated by pre-Freudian dinosaurs?

I was reminded that restraint and reserve were once not confined to the upper reaches of the British aristocracy by another patient of mine, who consulted me a few days after Diana's death. She was a 75-year-old working-class woman of dignified mien, who had lived through more than one tragedy in her life. Her brother died in a submarine sunk during the war, and her sister-in-law was killed in an air raid, leaving her the task of bringing up their orphaned child. Her own husband had died comparatively young, and her first son had died of a heart attack at the age of 42. ("He had just finished a game of football, doctor, and was in the changing rooms. He fell on the floor, and his mates thought he had slipped, and they told him to stop messing about. He just looked up at them—smiled—and he was gone.")

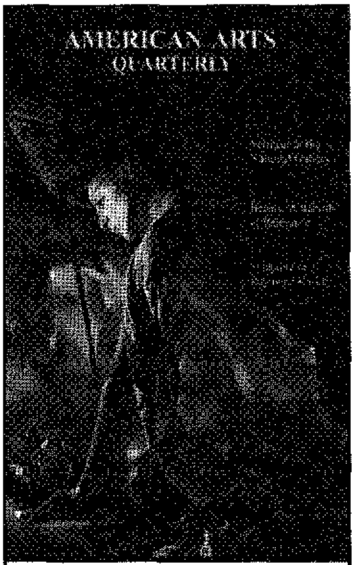
The bitterest blow of all was the death of another son, recently killed in an accident in which a heavy truck, carelessly driven, crushed his car. He was 50. She brought me his photo, her hand trembling slightly as she gave it to me. He was a successful businessman who had devoted his spare time to raising money for the Children's Hospital and to producing programs for its own radio station.

"It doesn't seem right, somehow," she said, "that he should have gone before me."

Did she still cry?

"Yes, doctor, but only when I'm on my own. It's not right, is it, to let anyone see you. After all, life has to go on."

Could anyone have doubted either the depth of her feeling or of her character? Could any decent person fail to have been moved by the self-mastery she had achieved, the foundation of her dignity and her strength? Yet her fortitude is precisely the virtue that the acolytes of the hug-and-confess culture wish to extirpate from the British national character as obsolete, in favor of a banal, self-pitying, witless, and shallow emotional incontinence, of which the hysteria at the princess's death was so florid an example.



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Housing, Housing, Housing

To the editor:
While Sol Stern's "Who Says the Homeless Should Work?" (Summer 1997) extols the virtues of the Doe Fund's shelter, it ignores the fact that there would be no government funding for the program, and thus no Doe Fund shelter, in the absence of court orders in *Callahan* and related litigation. As the article points out, even now, with court orders requiring the provision of shelter in place, the city administration has reduced funding for alternative shelter—for example, allocating the Doe Fund only $13,000 per shelter bed when the city would pay itself $20,000 for the same bed.

The 1992 New York City Commission on the Homeless, whose work the article cites with approval, concluded that transitional housing (like the Doe Fund's shelter) only works if there is a place into which people can make a transition. Continued attempts to "prove" that lack of housing is not a cause of homelessness fly in the face of reality. Clearly, lack of affordable housing and lack of income to obtain and retain permanent housing result in homeless men, women, and children in this city.

Finally, Doe Fund shelter residents who have complained about the program have no objection whatsoever to working; their complaint is simply that they should not be required to pay $65 per week from their wages for a shelter cot for which the city should provide the Doe Fund with full funding. Instead, Doe residents argue that this $65 per week should be put in a savings account to enable them to get out of the shelter and into permanent housing more quickly. This is not a matter of ideology but simply a matter of common sense practicality.

Steven Banks
Coordinating Attorney
Homeless Rights Project Counsel
Coalition for the Homeless
New York, N.Y.

Sol Stern responds:
Steven Banks and the Coalition for the Homeless can't abide any homeless initiative—like George McDonald's Doe Fund—that is based on the healing power of work and personal responsibility. That's because the success of such programs gives the lie to the claim, made repeatedly over the past two decades by Banks and his colleagues, that homelessness can't possibly be ameliorated until New York City is transformed into a socialist utopia providing subsidized housing for anyone purporting to be in need. Nothing in my article illuminates the utter bankruptcy of this old-guard advocates' approach as much as Banks's own letter. May it be widely circulated.

Tenor of the *Times*

To the editor:
I enjoyed David Brooks's history of marriage announcements in the *New York Times* ("New-Class Nuptials," Summer 1997). I was surprised, however, that Mr. Brooks didn't comment on something that frequently jumps out at me as I glance through the Sunday paper. In the "Vows" section, we are told—frequently—that the happy couple lived together prior to the marriage, something that would have been unthinkable to find in a marriage announcement just a few years ago.

For instance, on August 19, 1997, the *Times* featured the marriage of two 50-year-olds, Elaine Winter and Nick O'Han. The bride, a "lower-school principal of the Little Red School House and Elizabeth Irwin High School in Greenwich Village," and the groom, "a former headmaster of the Rockland Country Day School in Congers, N.Y.," were not embarrassed to tell the reporter, nor she to report to her readers, that the couple traveled together to Florida "last spring," and upon their return to the city, immediately moved in together, carrying chairs and lamps through the Village from her house to his.

That two middle-aged pillars of the educational establishment have no hesitation in presenting themselves as giddy teenage lovers is amusing, if ludicrous. It also tells us something about the tenor of the times that the paper chooses to highlight this aspect of their courtship.

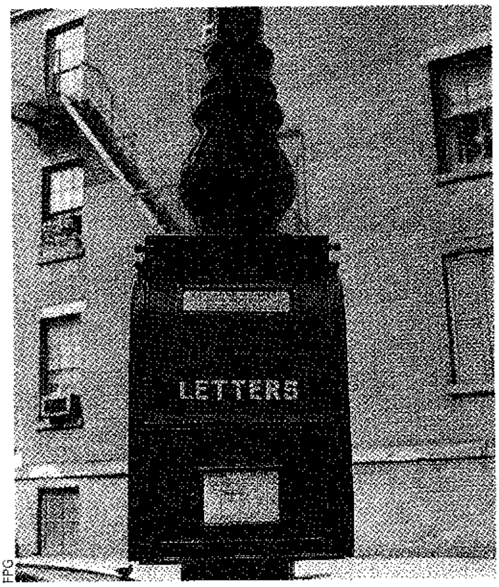
Evelyn Majidi
Tarrytown, N.Y.

Mental Illness Follies

To the editor:
While I am grateful that my sister has not succeeded in killing anyone during her long years with paranoid schizophrenia, I wish that she could again be forced to receive the continuing medical treatment that Dr. E. Fuller Torrey proposes ("Let's Stop Being Nutty About the Mentally Ill," Summer 1997). She has a long case history of impulsive, irrational behavior, even against those she loves the most. Her children almost died of dehydration because she bought rugs instead of paying her California water bill. Once, pushing a baby carriage, she tried to walk back to Pennsylvania in the middle of a four-lane freeway. But every family with a brain-sick member has a story to tell more ludicrous than any soap opera.

Looking back, she was happiest at the Mental Health/Mental Retardation Center on Broad Street in North Philadelphia, where residents had freedom to come and go and only one rule: an unoccupied bed at night meant expulsion. A competent, caring, underpaid staff supervised her medication and provided meals, but also gave her the freedom to go across the street for french fries at Kentucky Fried Chicken or to take the subway downtown. Unfortunately, after 14 months of steady improvement she was deemed "stabilized," so caseworkers moved her to a personal care facility in Germantown, where she ran away several times. She eventually ended up homeless. This is her "choice," but it is a choice made by a diseased organ: her brain.

But my brain suffers, too. Whenever the media report the murder or drowning of a middle-aged homeless Caucasian woman with hazel eyes, I question whether to call the coroner. Although at first I didn't intend to send you a case history of my sister, from experience perhaps I can speak for millions of family members who suffer from the stigma and the consequences of the exploits of a mentally ill loved one. At least ten family members are agonizing over the deeds of each mentally ill patient. Dr. Torrey cites 830,000 homeless mentally ill. Multiply that by ten, and that equals more than 8 million people in the United States who are begging for a sane solution to the problem of our abandoned mentally ill.



Our country rightly prizes freedom and rights and liberty, but we do properly limit personal freedom sometimes. Small children and adolescents, the extremely ill and elderly, do not have unabridged freedom. Just try getting a driver's license when you're 90.

Which comes first: the person or "rights"? Let the medical specialist treat the patient so that she can become truly free to participate in life.

If the civil libertarian champions of deinstitutionalization win, the incompetent patient loses, because the diseased brain cannot lead the sick person through the complexities of daily life any more than a blind person can see. I am writing this because it's time to come out of the closet, to get the mentally ill homeless off the streets, so that pharmacology may help restore them to our families.

Mary Louise Till
Oxford, Pa.

Dr. Torrey responds:

Ms. Till reminds us that utilizing treatment, both inpatient

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and outpatient, is often necessary for mentally ill individuals like her sister, who have limited insight into their illness. We confuse the right to be well with the freedom to remain sick. She correctly notes that "every family with a brain-sick member has a story to tell more ludicrous than any soap opera." Isn't it time to take this soap opera off the air?

Above Criticism?

To the editor:
It is indeed unfortunate that Peter Hellman in his article "Justice Freedman v. New York" (Spring 1997) did not choose to discuss the *McCain* case on a factual and legal basis. Instead, by innuendo and by disrespectful references to an intelligent and capable sitting jurist, his article exemplifies a form of journalistic irresponsibility that, sadly, is becoming the norm for too many publications.

As a women's bar association, we strongly object to the sexist tone of Mr. Hellman's references to Justice Freedman's spouse and to the judge's treatment of the plaintiff's counsel.

As Mr. Hellman is very much aware, Justice Freedman's rulings have been affirmed by the Appellate Division and the Court of Appeals. Also, with the consent of both parties, she has used Special Masters in order to resolve many of the issues in *McCain*. As Mr. Hellman also is very much aware, when faced with any further adverse decisions in this case or in any other case before Justice Freedman, the City of New York has both legal and legislative remedies that may be pursued.

Finally, as Mr. Hellman also should be aware, ethical rules prevent judges from responding to challenges to their opinions. Therefore, the closing line of Mr. Hellman's article—"Helen Freedman, please explain"—was totally inappropriate.

We hope that you will support the independence of the judiciary by refraining from such tactics in the future and, instead, discuss issues fairly in a way that is enlightening rather than misleading and inflammatory.

Gayle L. Eagan
President
Women's Bar Association
New York, N.Y.

To the editor:
Peter Hellman's article "Justice Freedman v. New York" is the kind of attack on judges that we believe not only unnecessarily demeans a first-class jurist but also poses a potential threat to the independence of the judiciary. References to Justice Freedman's alleged bias, to her husband, and to her allegedly close relationship to plaintiff's counsel are improper forms of criticism. If there is impropriety, it should be addressed as such. The article contains only innuendoes of impropriety, without any factual support. The article fails to state that all Justice Freedman's rulings in the McCain case have been affirmed by appellate courts.

Finally, the illustrations accompanying the article, in our view, constitute improper personal vilification of a judge. As bar associations and leaders of the legal community, we deplore journalistic attacks that threaten the independence of judges. All judges should be free to make discretionary decisions to apply the law as they see it, without fear of intemperate personal attack or vilification. Hellman's article, in our view, goes beyond legitimate criticism of the substance of Justice Freedman's decisions in the *McCain* case.

Klaus Eppler
New York County Lawyers' Association
New York, N.Y.

And the following organizations approved this letter:
Brandeis Association, Inc., Brooklyn Bar Association, Eastchester Bar Association, Hispanic National Bar Association, Kings County Criminal Bar Association, Lawyers Torah Club, Legal Aid Society, Lesbian and Gay Law Association of Greater New York, Metropolitan Women's Bar Association, Monroe County Bar Association, National Lawyers Guild (New York City Chapter), New York Council of Defense Lawyers, New York County Lawyers' Association, New York Criminal Bar Association, New York State Association of Criminal Defense

Lawyers, New York State Trial Lawyers Association, New York Women's Bar Association, Protestant Lawyers Association of New York, Inc., Puerto Rican Bar Association, Kristin Booth Glen* (Dean, CUNY School of Law at Queens College), Howard A. Glickstein* (Dean, Jacob D. Fuchsberg Law Center, Touro College)

*Where an individual is listed, the organization has not agreed to join the committee.

Peter Hellman responds:
Attorneys Eagan and Eppler seem to believe that an independent judiciary means a judiciary exempt from criticism. They should re-read the First Amendment. Ms. Eagan compounds the travesty by implying that a female judge be particularly exempt from criticism.

Both Ms. Eagan and Mr. Eppler object to my revealing that Judge Freedman's spouse is a leading light among welfare-rights professionals. The reader has every right to know this fact. I did not accuse the judge of impropriety. But as these writers know well, judges often disqualify themselves from presiding over cases in which even the appearance of a conflict of interest exists owing to the activities of a family member.

As for Mr. Eppler's objection to the witty illustrations accompanying the article: he must wish he could ban every portrait of judges and lawyers done by the immortal Daumier.

Drug Wars, Part II

To the editor:
Theodore Dalrymple's wonderful article in the Spring 1997 issue of *City Journal* ("Don't Legalize Drugs") made clear that legalizing the sale and use of narcotics would have disastrous effects on crime, health, and the overall quality of life. Yet the article did not address another untoward consequence of drug legalization. The withdrawal of the state from one aspect of drug control would impose a special cost on children.

In the early 1980s, prior to the appearance of crack cocaine in New York, careful foster-care management by the city lowered the number of children in the foster-care system to about 15,000. But as the crack epidemic ravaged New York, the number of children in foster care spiraled upward until nearly 50,000 children were in the care of New York City's Human Resources Administration.

Those who offer their theories of relief from the economic and social costs of drug abuse seem to forget the inevitable increase of children put "at risk." The more we increase the population of those "at risk," the more children we will inevitably move into an already-overburdened foster-care system.

But the destruction of families caused by the pushers of drug legalization will not end there. Virtually all plans for the legalization of narcotics provide for the government distribution of the drugs. But what should the government-licensed clinic or narcotics distributor do when an obviously pregnant female requests her crack? Is it discrimination for the government to refuse to provide a pregnant woman drugs when everyone else is entitled to the same fix?

And what about the care of the children born to these state-sponsored crack-addicted mothers? Do the costs of care, including special education and a lifetime of health care problems, have to be borne by the taxpayers? Of course, these costs will pale next to the costs of the personal injury suits likely to be filed by the plaintiffs' bar. Innocent children who suffer brain damage, learning disabilities, and personality disorders are ripe clients for lawyers seeking a deep-pocket government defendant in an action for negligently providing narcotics to a pregnant woman. Legalization of drugs will divert the money now being spent on enforcement—plus more—into the hands of the private bar. No wonder the bar's leaders have been among legalization's greatest supporters.

Peter Reinharz
New York, N.Y.

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Theodore Dalrymple is a physician who regularly sees patients in an English prison. He is a contributing editor of *City Journal*, a columnist for the London *Spectator*, and a frequent contributor to the *Daily Telegraph.*

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After the Uprising

Jonathan Foreman

It has been nearly a decade since the Tompkins Square "uprising," when anarchists, squatters, and junkies fought the police who'd come to evict them from their encampment in the trash-choked park. The riot was brief but bloody; the insurgents howled as cops pulled down their cardboard and plastic tent city. But the neighborhood people—elderly Jews, Russian émigrés, Puerto Ricans from the tenements and housing projects—watched in silence.

In those days, Alphabet City was a genuinely scary place: abandoned buildings disfigured each filthy block; feral teenagers prowled the streets. Outsiders buying drugs often ended up robbed and beaten, since the place lacked even the order imposed by a drug gang monopoly.

After the riot, the city closed the park for refurbishment. Reopened, it had three new playgrounds and a dog run. Most of the grass formerly suffocated by rubbish and human sewage had grown back. The graffiti had vanished from the water-fountain gazebo, with its no-longer-ironic dedication to Charity, Hope, Temperance, and Faith. Police enforced a midnight curfew.

Still, everyone expected—and some die-hards hoped—that the old spirit of the park would return. The drug dealers and the homeless would trickle back; boom boxes would compete with bongo drums in the night. But it didn't happen.

Soon after the park reopened, the then-new Giuliani administration began to implement its "zero tolerance/quality of life" crime-fighting strategy. Well, more like "almost-zero tolerance"—the Lower East Side doesn't get the same "zero tolerance" as the Upper East Side. But there isn't a neighborhood in Manhattan that has changed as swiftly or as profoundly. The drug-dealing bodegas have almost all been shut down, and the crack houses cleaned out. The Ninth Precinct increasingly deals with the noise and disorder spilling out of the dozens of new bars and restaurants that have sprouted all along Avenue A and are beginning to pop up on Avenue B.

I came to live half a block from Tompkins Square Park two years ago. When some of my goateed neighbors bemoan the awfulness of "gentrification," I don't bother arguing. I am delighted by the changes, as are most of the real natives of the neighborhood. But I, too, have selfish reservations about the process going too far: the area's patina of grunge keeps my rent down even as the neighborhood keeps improving.

Those who feel nostalgia for the bad old days want the East Village to be a permanent transgressional theme park for self-conscious bohemians trapped in perpetual adolescence, where working-class Puerto Ricans are forced to play the role of an offended bourgeoisie. An article in the *Village Voice* last year bemoaned "martial law," "quality of life overkill," and a "Ceauşescu-like crackdown" in the park. The crackdown hasn't gone far enough, in my view: it ignores the public urination that takes place only 100 yards from the public toilets or the dope dealing a block west of the park on St. Mark's Place.

It's not as if Tompkins Square has been sanitized or its century-old radical tradition crushed. The rump of the squatters' movement still holds rallies in one corner. In another, powerfully muscled young men do pull-ups and swap body-building tips picked up in Sing Sing, while others with no visible means of support play basketball. Bums still cluster near the chess tables; bongo drummers still play. And yet there is a gentleness in the air that has come back with the flowers.

When I walk through the park every morning, I am cheered by the shouts of children on the swings, by the tai-chi class, the old people reading newspapers on the benches in the sun, the dog owners chatting each other up while their pets chase each other around the run. This is city life as it is supposed to be. Who could ask for anything more? ●

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